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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Note by the Secretary-General

1. The Secretary-General has the honour to transmit to the General Assembly the thirtieth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, submitted pursuant to paragraphs 5, 6 and 7 of General Assembly resolution 52/64 of 10 December 1997.

2. The report should be considered together with the Special Committee's periodic reports contained in documents A/53/136 and A/53/136/Add.1.

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I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories was established by the General Assembly by its resolution 2443 (XXIII) of 19 December 1968.[1]

2. The Special Committee is composed of three Member States appointed by the President of the General Assembly. The members of the Special Committee are presently: John de Saram, Permanent Representative of Sri Lanka to the United Nations (Chairman); Absa Claude Diallo, Permanent Representative of Senegal to the United Nations Office at Geneva; and Abdul Majid Mohamed of Malaysia.

3. The Special Committee reports to the Secretary-General. The reports of the Special Committee are considered in the Special Political and Decolonization Committee (formerly the Special Political Committee) of the General Assembly. The present report is submitted pursuant to General Assembly resolution 52/64 of 10 December 1997.

II. Mandate

4. In its resolution 52/64, the General Assembly:

"5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli lack of compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

"6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory, including Jerusalem;

"7. *Further requests* the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967".

5. The Special Committee has proceeded on the basis that:

(a) The territories considered as occupied territories are those remaining under Israeli occupation, namely, the occupied Syrian Arab Golan, the West Bank, including East Jerusalem, and the Gaza Strip;

(b) The "population" of the territories are considered to be the civilian population residing in the areas occupied as a result of the hostilities of June 1967 and those persons normally resident in the areas that were under occupation but who had left those areas because of the hostilities;

(c) The "human rights" of the population of the occupied territories consists of two elements, namely, those rights that the Security Council referred to as "essential and inalienable human rights" in its resolution 237 (1967) of 14 June 1967 and, secondly, those rights that found their basis in the protection afforded by international law in particular circumstances such as military occupation and, in the case of prisoners of war, capture. It is to be noted also that in accordance with General Assembly resolution 3005 (XXVII) of 15 December 1972, the Special Committee was required to investigate allegations concerning the exploitation and the looting of the resources of the occupied territories, the pillaging of the archaeological and cultural heritage of the occupied territories, and interference in the freedom of worship in the Holy Places of the occupied territories;

(d) The "policies" and "practices" affecting human rights that come within the scope of investigation by the Special Committee refer, in the case of "policies", to any course of action consciously adopted and pursued by the Government of Israel as part of its declared or undeclared intent; while "practices" refer to those actions that, irrespective of whether or not they were in implementation of a policy, reflect a pattern of behaviour on the part of the Israeli authorities towards the civilian population in the occupied areas.

6. The geographical names and the terminology employed in the present report reflect the usage in the original source and do not imply the expression of any opinion whatsoever on the part of the Special Committee or the Secretariat of the United Nations.

7. The Special Committee has, with respect to human rights, relied on the following:

(a) The Charter of the United Nations;

(b) The Universal Declaration of Human Rights of 10 December 1948;

(c) The International Covenant on Civil and Political Rights;

(d) The International Covenant on Economic, Social and Cultural Rights;

(e) The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;[2]

(f) The Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949;[3]

(g) The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 14 May 1954;[4]

(h) The Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land.[5]

8. The Special Committee has also relied on those resolutions relevant to the situation of civilians in the occupied territories adopted by the United Nations – the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights – as well as the relevant resolutions of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the International Labour Organization (ILO).

III. Organization of work

A. Meetings

9. The Special Committee met as follows: from 2 to 4 March 1998 in Geneva; from 21 to 31 July in Geneva, Cairo, Amman and Damascus (21 July in Geneva; from 23 to 25 July in Cairo; from 25 to 28 July in Amman; and from 29 to 31 July in Damascus); and from 2 to 5 November 1998 in New York.

10. In Egypt, the Special Committee met in Cairo with officials of the Ministry of Foreign Affairs: Naila Gabr, Head of the Human Rights Department, and Fayez Noseir, Head of the Department for Palestinian Affairs. The Committee also met with a representative of the League of Arab States, Dr. Hitti. The Committee heard testimony from witnesses from the West Bank and Gaza.

11. In Jordan, the Special Committee met in Amman with: Abdul Karim Abuhaija, Acting Director-General of the Department of Palestinian Affairs, and Rajab Suqairy, Director of International Organizations of the Ministry of Foreign Affairs. The Committee heard the testimony of witnesses from the West Bank, Gaza and Jerusalem. The Committee visited the King Hussein Bridge, where it heard testimony from a number of Palestinians who had just crossed into Jordan.

12. In the Syrian Arab Republic, the Special Committee was received in Damascus by Nasser Kaddour, Minister of State for Foreign Affairs, and by Klovis Khoury, Director of International Organizations. The Committee visited Quneitra province, bordering the occupied Syrian Arab Golan, and met with the Governor of Quneitra. The Committee heard witnesses who provided information on the current situation in the Syrian Arab Golan.

13. The Special Committee also witnessed an exchange through megaphones of greetings between long-separated relatives near the village of Majdal Shams.

B. Inability of the Special Committee to visit the occupied territories

14. The Special Committee has not had access to the occupied territories since its establishment in 1968.

15. In preparing for its field mission in 1998, the Special Committee addressed a letter to the Permanent Representative of Israel to the United Nations Office at Geneva on 4 March 1998 requesting that it be allowed to visit the occupied territories and brought its request that it be permitted to do so to the attention of the Secretary-General.

16. The Special Committee, however, was unable to obtain access to the occupied territories. The Special Committee considers this inability to visit the occupied territories unfortunate.

17. The Special Committee has received the cooperation of the Governments of Egypt, Jordan and the Syrian Arab Republic, and of various Palestinian representatives. It was able to receive statements in Cairo, Amman and Damascus from persons in the occupied territories because of the arrangements made by the Governments cited above. It received the cooperation of the United Nations offices in the field, in particular the United Nations Development Programme (UNDP) and of the United Nations information centres.

C. Evidence before the Special Committee

18. During its meetings in Cairo, Amman and Damascus, the Special Committee heard the testimonies of 30 persons from the occupied territories. The Special Committee received excerpts of reports appearing in the Israeli press and in the Arab press published in the occupied territories. The Special Committee received a number of communications and reports from Governments, organizations and individuals concerning the occupied territories.

19. The testimony before the Special Committee concerned such questions as: the Israeli settlement policy; confiscation of land; closures; treatment of prisoners and detainees; revocation of residency permits in Jerusalem; situation of children; water supply for domestic and agricultural use; health conditions in the occupied territories; movement of goods; and the general economic situation in the area.

20. Thus, the material before the Special Committee consisted of the following:

(a) The testimony of persons from the occupied territories;

(b) Written material submitted by such persons;

(c) Reports in *The Jerusalem Times*, *Ha'aretz* and *The Jerusalem Post* in 1998;

(d) Written material received from the Governments of Jordan and the Syrian Arab Republic.

21. The present report is based on materials and testimonies received by the Special Committee that are listed in annex II to the present report. The materials and testimonies are available for consultation. Where material is not listed in the annex, it is referred to in footnotes to the text and is available for consultation.

22. The Special Committee took note of the report of Hannu Halinen, the Special Rapporteur of the Commission on Human Rights to investigate Israel's violations of human rights in the Palestinian territories occupied by Israel since 1967.[6]

IV. Situation of human rights of the Palestinian people in the occupied territories: Gaza, the West Bank and East Jerusalem

A. General introductory observations

23. The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, applies to Israel as the "occupying Power", in terms of the Convention.

24. In terms of the Oslo Accords,[7] the occupied Palestinian territories were divided into areas A, B and C, with allocations of responsibilities with regard to security and civil administration being vested between Israel and the Palestinian Authority, in ways specified in the Oslo Accords.

25. The jurisdiction of the Palestinian Authority currently encompasses, in territorial terms, some 3 to 4 per cent of the West Bank and approximately 62 per cent of the Gaza Strip. On 15 January 1997, following the signing of the Protocol concerning the Redeployment in Hebron, 80 per cent of Hebron came under the rule of the Palestinian Authority.

26. The first phase of additional redeployment of Israeli troops from areas in the West Bank that was foreseen for the first week of March 1997 has not taken place.

B. Conditions that are restrictive with respect to Palestinians in Gaza, the West Bank and East Jerusalem

1. Restrictions relating to land, housing and water

27. The evidence received by the Special Committee shows that there are restrictions with respect to land, housing and water. The restrictions severely affect the quality of life of Palestinians in the occupied territories. The restrictions relating to land in the West Bank, the Gaza Strip and East Jerusalem are of the following nature.

Land

28. The expropriation of Palestinian-owned land in the occupied territories has continued. It is estimated that more than 74 per cent of the land in the West Bank and some 40 per cent of land in the Gaza Strip have been confiscated by Israel since 1967. Out of the total surface of 27,000 square kilometres in the West Bank, 21,000 square kilometres had been taken by Israel. This leaves Palestinians with less than

7,000 square kilometres, in addition to some 40 per cent of the surface of Gaza. The policy of confiscation of Palestinian land is widely perceived in the occupied territories as having been intensified since the signing of the Oslo Accords.

29. The land confiscated appears to be principally agricultural land, pastures, as well as orchards, olive groves and vineyards, thereby depriving its owners of their source of livelihood. The land confiscated is used for the building of new settlements, the expansion of existing ones, for stone quarries and for the construction of bypass roads,[8] which are used only by settlers and link settlements to each other while bypassing towns and villages inhabited by Palestinians.

30. Land confiscated in the Gaza Strip is mostly used for settlement expansion.

31. Palestinian-owned land currently being confiscated in East Jerusalem is in the heart of the part of the Old City exclusively inhabited by Arabs. These confiscations are believed to be aimed at reaffirming Israeli sovereignty over all parts of the city.

Settlements

32. The Special Committee has been informed that there are 194 Jewish settlements in the occupied Palestinian territories, built on approximately 1 million dunums[9] of confiscated land; 67 of these settlements have been expanded or built since the signature of the Oslo Accords.

33. The Special Committee was informed that in 1997, 30,000 dunums of land were confiscated for the building and expansion of settlements and the construction of roads.

34. The Special Committee was also informed that the loss of Palestinian-owned land occurred in the following ways: confiscation of land through military orders; declaration of land as "State land"; acts of settlers such as fencing off with barbed wire of land adjacent to existing settlements; fictitious sales; and falsification of documents.

35. From 1992 to 1996, the Government of Israel proclaimed a freeze on the building of new settlements but the expansion of existing ones has continued. In August 1996 the Government officially lifted the freeze on the building of settlements in the West Bank and the Gaza Strip and in February 1997 authorized the building of a new settlement, to be named Har Homa, in Jabal Abu Ghneim in East Jerusalem, with construction beginning on 18 March 1997. Har Homa was to constitute the last link in the chain of settlements completely encircling Arab-populated East Jerusalem. The Secretary-General stated that, demographically, the establishment of the settlement would have a significant effect on further advancing the forced alteration of the religious and ethnic composition of occupied East Jerusalem. He indicated that, economically, the establishment of a settlement on the site was expected to have damaging effects on an already devastated Palestinian economy in the occupied territories.

36. A large number of settlements have been classified as "national priority" areas. The Special Committee was told that new settlements were built and the existing ones expanded not only for social but also for political and strategic purposes, believed to be aimed at isolating Palestinian towns and villages. Settlements are mostly built on hills and high ground in order to control the areas below and often resemble military fortifications. Settlements are surrounded by concrete walls and barbed wire and watchdogs are used to patrol the fences around the settlements.

37. The construction and expansion of settlements has given rise to the displacement of the population inhabiting the area, as is the case with a number of bedouin tribes living in the vicinity of settlements in the Jerusalem area. The Israeli authorities carry out the eviction through the Civil Administration, with the help of the Israeli Defence Forces. The building of settlements gives rise to environmental damage, partly as a result of waste waters coming from settlements. Other damage to the environment came from factories and stone quarries, especially those in the vicinity of Tulkarm, near water source and water spring areas. Water was being both polluted and diverted by explosions. In addition, the Special Committee was informed that atomic waste was buried near bedouin areas close to the Dead Sea and that they served as dumping grounds for solid waste.

38. On 21 June 1998, the Israeli authorities decided to expand the municipal boundaries of Jerusalem, drawn to exclude the city's Arab population to the greatest extent possible, but to include settlements on occupied Palestinian territory in the West Bank, thereby creating a greater Jewish majority in the city.

39. The Israeli authorities have allowed the establishment of armed settler militias to patrol the areas around settlements and bypass roads. Palestinians are said to have no legal recourse. Settlers systematically benefit from the protection of the Israeli army. In addition, settlers are offered financial incentives such as subsidies, tax breaks, preferential mortgage rates, occasionally free plots of land, as well as bonuses for businesses. Housing in settlements is much cheaper than in the territory of Israel and the number of housing units being built within settlements is on the rise. The construction of settlements has resulted in acts of violence between Palestinians and Israeli settlers.

40. In Hebron, 400 settlers who live in the centre of the city subject its Arab population (120,000) to daily attacks. They set trained dogs on children, write racist graffiti on walls, insult children and teachers in schools, break doors and furniture in schools and step on the Koran, and terrorize shopkeepers, which has resulted in injuries, including broken bones and burns. Settlers in Hebron are guarded by the army.

41. The Special Committee's attention was drawn by a psychologist to the very considerable traumatic effects on children and their psychology caused by the establishment of settlements in the Gaza Strip. The Committee was informed of instances where children were held by settlers for some time, in circumstances causing very great concern to parents. For example, the Committee was told about the case of a small boy who was on his way back from school and who was held by settlers for a number of hours. The Special Committee was informed by witnesses that, on occasion, some settlers who had attacked Palestinian children were not prosecuted because they were pronounced as being "mentally retarded". The Al Mawasi area near Khan Younis is particularly affected since it is surrounded by settlements and strict control is implemented over all products coming in and out of the area, including gas, road-making and construction material, as well as on the movement of persons. The situation is compounded by the fact that no schools have been constructed in Khan Younis, in the Gaza Strip, to accommodate the number of children so that children from the Al Mawasi area have to pass through settlements and military checkpoints on their way to and from school.

Roads

42. The building of highways and bypass roads in the occupied territories has had serious economic repercussions on the livelihood of the population since they are built on land taken from Palestinians. No construction by Palestinians was allowed up to a distance of 150 metres on either side of the road while the limit for settlers is 4 metres. One witness told the Special Committee that a number Israeli peace movements and the Meretz political party had contacted Palestinians in order to be able better to inform average Israelis about their situation.

43. On certain roads near settlements in Gaza, Palestinians are not allowed to drive cars alone, without at least one passenger. This measure has been introduced by the Israeli authorities in order to protect settlers on the assumption that a person driving a car alone would be more likely to blow themselves up in a suicide bombing.

44. The building of bypass roads was viewed in the occupied territories as having the aim to cut off contacts between Palestinian cities and villages in the West Bank. Vineyards and olive groves are often destroyed in the process. In addition, the existence of bypass roads affects pupils and students since they are prevented from reaching their schools. Witnesses spoke about the psychological impact of bypass roads on pupils and students since they prevent them from going to school by posing severe physical hardships and obstacles. There are often parallel roads running one next to the other, the good one being used by settlers and the other by Palestinians.

Housing

45. The Special Committee was informed that the housing problem concerning Palestinians dates back to the occupation of their land in 1967. Witnesses spoke of severe housing shortages in the cities and towns of the West Bank and Gaza Strip. That had arisen from that fact that, in general, the "master plans" for Palestinian towns and villages had not been adjusted since 1948, despite the growth of the population. No new structural plans had been established for zones inhabited by Palestinians although the number of inhabitants had risen sharply. As an example, the city of Nablus had 30,000 inhabitants in 1944 and now has 108,000. The housing shortage was particularly acute in East Jerusalem. While there was no Jewish population in that part of the city in 1967, there were now about 160,000 Jews in East Jerusalem and Arabs constitute a minority in the city. Some 34 per cent of East Jerusalem had been completely annexed while the remaining 52 per cent of the area had been designated as a "green zone". The Israeli policy for Jerusalem did not allow the Palestinian population to increase beyond 28 per cent. The Committee was informed that the restriction of the Arab population of Jerusalem to a certain percentage derived from the policy of the Israeli Government to maintain a geographical balance in favour of Jews. On 21 June 1998, the Israeli authorities decided to extend the city's municipal boundaries to encompass more Jews and to maintain the percentage of Palestinians at around 25 per cent.

46. The Israeli authorities have taken various kinds of actions regarding housing. Very few licences to build new homes or even enlarge existing ones are issued to Palestinians by the municipal authorities of Jerusalem. A licence to build a house on one's own land in Jerusalem costs more than US$ 20,000, which makes it unaffordable to the majority of the Arab population. Since 1967, 10,492 housing units have been built for Palestinians, while 44,481 or approximately four times more have been built for Jews. In

view of the housing shortages for Arabs, most people with Jerusalem identity cards are compelled to look for housing 5 or 6 kilometres away from the city, which entails the threat of loss of their identity cards.

47. Witnesses told the Special Committee that Israel had made maps that did not allow for more building or expansion of Palestinian housing, in so-called "green areas", on paths leading to settlements or near bypass roads. No building was allowed outside the plan, especially in area C, as designated under the Oslo Accords, and houses built or expanded without a permit were demolished. In view of natural demographic growth, many Arab families enlarged their houses without previously obtaining a licence to do so from the Israeli authorities, who subsequently demolished those parts of houses on those grounds. For example, the house of a Palestinian family in Hebron had been demolished three times since March 1998 and its owner jailed and tortured for three hours.

48. It is estimated that for the past two years, the Israeli authorities have demolished an Arab-owned house every two days and that 249 houses were demolished in 1997. An additional 609 houses are slated for demolition. The Israeli human rights organization Betzelem has reported that the rate of house demolitions had risen 75 per cent over the past three years and that 1.16 houses were demolished every day in the occupied territories. Aerial photos of land are taken every six months by the Israeli authorities and demolition notices are subsequently served. Warnings are issued for house owners to demolish the buildings themselves within seven days. Objections may be submitted within 30 days if they are in Arabic and within 45 days if they are in Hebrew. A witness stated that houses had been demolished before the expiry of that period.

49. As concerns rural areas, the Special Committee was informed that the Israeli authorities designated Arab villages on maps as consisting only of mosques and areas within a 200 metre radius around the mosque. That comprises the "legal" part of the village so permits were not issued for construction beyond those limits. Most of the agricultural land belonging to the villages was therefore outside the boundaries drawn on the maps. There was no clear-cut survey or legislation regarding land. Land in the occupied territories had been registered under the British Mandate for Palestine, Turkish rule or the Jordanian Government. The Committee was informed that all land sales in the occupied territories were unofficial and that land had on occasion been registered in the name of deceased persons.

50. The Special Committee received extensive testimony regarding the housing conditions in East Jerusalem. The housing shortage concerning Palestinians is the most acute in Jerusalem where land belonging to Palestinians had been declared as a "green area" where building was not allowed. However, the designation of a "green area" had on occasion been removed in order to allow for building by Jews. The demolition of houses had intensified, particularly in Jerusalem over the past two years where more than 150 houses owned by Arabs were demolished in 1997. An additional problem facing Palestinians was the intended building in the middle Arab-inhabited East Jerusalem of 132 housing units for Jews by the United States businessman Irving Moskowitz. The confiscation of Arab-owned houses in the Old City of Jerusalem was done through falsified documents, which have been proven as such in Israeli courts. However, those fraud files had been closed every time by the Israeli Government. The houses were not sold by the legal owner but often by persons renting them or unknown individuals whose names were not mentioned "for security reasons" and the British Mandate Absentee Property Law was also invoked. Only 5 per cent of the cases filed with courts by legal Arab house owners had been successful since 1967. The situation was compounded by the fact that members of the Palestinian Bar were not allowed to speak and appear in Israeli courts.

51. Since a construction permit and other administrative work necessary to build a house in Jerusalem costs around 100,000 new shekels (approximately $30,000), those Jerusalemites who cannot afford such prices have built homes outside the city's municipal boundaries. Palestinians who own land still have to pay for the licence. The Special Committee was told about an extended Palestinian family whose 17 members had lived in four rooms, two kitchens and three bathrooms until March 1998. Twice when they had tried to expand, their home had been demolished for lack of a licence. They now lived in one room and one kitchen, with no bathroom. If they left the city, they would lose their Jerusalem identity cards. Many Palestinians lived in unhealthy conditions in order not to lose their residency rights in Jerusalem.

Water

52. Israel controls the principal aquifer under the West Bank as well as most of the water sources supplying Palestinians in Gaza. Israelis and settlers have unlimited access to water all year round, at prices that are below those paid by Palestinians. Settlers have unlimited supplies of water and are estimated to consume five times as much as Palestinians. Many maintain swimming pools even at times when Palestinians face severe water shortages. For example, it estimated that 70 per cent of the water in Hebron goes to

settlements and 30 per cent goes to the city's Palestinian inhabitants. The fight between Palestinian and Israelis is described essentially as being a fight for land.

53. It is estimated that the 3,000 to 4,000 settlers living in the Gaza Strip use 75 per cent of the available ground water while the approximately 1 million Palestinians use less than 25 per cent. The high level of contamination and salinity of the water in Gaza also gives rise to water-borne diseases.

54. For the past five years, there has often been no water in Palestinian houses in the summer. Only wealthy Palestinian families can afford water tanks at five times the cost of water. Settlements have swimming pools and gardens while Palestinians have not had sufficient water for agriculture for the past 12 years.

2. Restrictions affecting movement of Palestinians within, between, and their exit from and re-entry into the occupied territories

55. The evidence received by the Special Committee shows that restrictions are made on the Palestinian population of the occupied territories regarding their freedom of movement. The restrictions relating to the freedom of movement in the West Bank, Gaza Strip and East Jerusalem are administered by way of passports, identity cards, travel permits and closures.

Identity cards, travel permits

56. There appears to the Special Committee to be a very complex and elaborate system of control with respect to movement of Palestinians in the occupied territories.

57. As designated in the Oslo Accords, Palestinians living in area A of the occupied territories have Palestinian passports and Palestinian identity cards. Their movement is restricted to the parts of the occupied territories in which they reside and they need a permit to enter Israel.

58. Besides needing a permit to enter Israel, Palestinians from Gaza are required to have a "magnetic card" which is issued and updated by the Israeli security services and shows that their security record is "clean".

59. Owing to the de facto annexation of Jerusalem by Israel, Palestinians living in Jerusalem have Israeli identity cards which allow them free movement within Israel. Only official Palestinian inhabitants of Jerusalem have access to the city. This affects all Palestinian economic, social and cultural life and denies Muslims and Christians from the West Bank and the Gaza Strip access to the Al-Aqsa Mosque and the Dome of the Rock as well as to the Church of the Holy Sepulchre. It is virtually impossible for Palestinians from the Gaza Strip and other parts of the West Bank to enter Jerusalem.

60. Palestinian workers from the occupied territories need a permit to enter and work in Israel. The issuing of permits to Palestinians is restricted to specific age groups, for example, to married males above 35 years of age because it is assumed that they have a family and are less likely than young unmarried males to commit security-related offences in Israel. Witnesses from Gaza stated that, as a general rule, permits were not issued to persons over 15 years of age, and were extended to women up to 35 and men up to 45 years of age.

61. Permits may be issued for a certain number of hours during a single day (five or eight), which obliges their holder to return to the place of residence to spend the night. Permits may also be issued for more than one day, but with the holder having the obligation to spend the night at the usual place of residence. Palestinian day labourers working in Israel are obliged to spend the night at their places of residence. If they are caught overnight in Israel, both the Palestinian workers and their Israeli employers face penalties and possible imprisonment.

62. Permits to enter Israel are issued to Palestinians for specific reasons such as medical treatment. The Special Committee was told that a "convincing reason" such as a death certificate issued by the International Committee of the Red Cross (ICRC) was sometimes required for a permit to be issued. Special arrangements existed for Palestinian medical workers and important Palestinian persons such as members of the Palestinian Authority Cabinet and members of the Palestinian Legislative Council.

63. The inhabitants of Jerusalem have identity cards and enjoy freedom of movement in Israel. However, the situation relating to identity cards for the Arab inhabitants of Jerusalem is particularly serious. The "blue line" of municipal boundaries of Jerusalem is being redrawn by the Israeli authorities to exclude neighbourhoods inhabited by Arabs, which entails automatic loss of a Jerusalem identity card and residency rights. In the case of Jerusalem, the Israeli authorities are said to apply the "Law of Entry into Israel". Arab Jerusalemites are required to prove that Jerusalem is their "centre of life" through numerous documents proving that they were born, live and have the right to live in the city. It is estimated that the boundaries drawn in this manner have already placed some 60,000 to 80,000 Palestinian Jerusalemites outside the city limits. When an identity card is withdrawn, the Palestinian has to leave the city within 15 days. These measures are in keeping with the policy of the Israeli authorities to maintain a Jewish

majority in the city. The Special Committee was informed that additional restrictive measures concerning eligibility of Arab Jerusalemites to retain and obtain identity cards had been intensified since the signing of the peace agreements.

64. Palestinian Jerusalemites are treated as foreigners in their own city and have to justify their eligibility to hold a Jerusalem identity card. They cannot leave the city for reasons such as studying abroad for more than seven years, cannot take up residence elsewhere and cannot have dual citizenship, all of which does not apply to Jewish Jerusalemites. The Special Committee was informed that the time limit for living outside Jerusalem had been lowered to five years and that the residence permits of some Arab Jerusalemites were withdrawn after only one year of absence. Palestinians who were born in Jerusalem and have ancestry in the city are not exempted. If they realize that they have no grounds to revoke an Arab Jerusalemites residence permit, Israeli authorities encourage them to take Israeli citizenship.

65. Attention has been drawn to the situation of non-resident spouses married to Jerusalemites who have applied for a Jerusalem residence permit. The processing of applications may take a number of years. If the applicants leave Jerusalem, they have to start the process anew. The Special Committee was informed that practically no family reunification requests had been approved in cases where one spouse is a Jerusalemite since the signing of the peace agreements.

66. Until recently, having one Jerusalemite parent sufficed for the registration of births. The municipal authorities of Jerusalem now require that both parents be official residents of Jerusalem before a child can be registered as a Jerusalemite. This poses serious problems with regard to health insurance, access to education in public schools and other benefits and entitlements. The National Insurance Institute conducts an investigation of every birth, which may last up to a year, to see if the family of the newborn are residents of Jerusalem. If the investigation is not completed before the birth, all expenses are borne by the family. The Special Committee was informed that an estimated 15,000 newborns in East Jerusalem currently did not have medical insurance.

67. A "live birth" certificate from a hospital is the only proof that a child has been born. For an Arab woman to deliver a child who will be considered as a Jerusalemite, she is asked to produce a marriage licence, birth certificate and proof of payment of the *arnona* tax (the Jerusalem local property tax), and electricity and water bills, sometimes going back 15 years. It is estimated that there are currently some 15,000 children in Jerusalem without birth certificates, which means that they cannot obtain a Jerusalem identity card when they turn 16. If caught by the authorities, they can be driven out of the city and the identity cards of the whole family could be revoked.

68. Since June 1998, doctors and nurses from the Gaza Strip have not been issued permits to enter the West Bank and, in particular, East Jerusalem. Since permits to enter Israel and the West Bank used to be issued by the Israeli Coordinator's Office, the fact that the permits are now issued by the Employment Bureau of the Ministry of Labour constitutes a negative development in the sense that persons without a licence to practice medicine in Israel cannot receive permits to enter either Israel or the West Bank. This also applies to Palestinian doctors from Gaza who want to work in Palestinian hospitals in East Jerusalem. Besides work permits, most doctors from the Gaza Strip can not receive permits to attend international seminars and conferences if they are taking place in East Jerusalem, on grounds of security.

69. Students are denied access to Jerusalem University. An additional difficulty is that the consulates of most countries are located in Jerusalem so Palestinian students who wish to study abroad have to go to embassies in other Arab countries in order to get visas since they cannot enter Jerusalem.

70. People are discouraged from applying for permits out of fear of a long process and arbitrariness in obtaining a permit, not knowing until the last moment whether it will be issued, fear of humiliation at checkpoints and border crossings, fear of physical violence, special humiliation such as strip searches, especially of women, and the fear of being stranded in another part of the occupied territories in the event of a closure. The Special Committee was informed that it was easy to be stopped, detained and arrested in the West Bank, especially at the King Hussein Bridge.

71. The Special Committee was informed by a witness that even settlers could ask Palestinians for their identity papers.

72. The Special Committee asked witnesses from Gaza whether the situation regarding the freedom of movement had improved during the period under review. They stated that there had been some improvement in the procedures of applying for permits and that once a permit had been issued, it was less likely that entry into Israel would be denied in an arbitrary manner.

Closures

73. The Israeli authorities had introduced the policy of closures of the occupied territories, for alleged reasons of security, on a regular basis in March 1993, although restrictions on freedom of movement had been imposed in 1991 during the Gulf war.

74. The aim of the closures is to restrict the movement of inhabitants of the occupied territories between parts of the occupied territories and between the occupied territories and Israel, for purported security reasons. The degree of strictness of the closures imposed on the occupied territories varies. Closures have not prevented security incidents in Israel.

75. One type of closure consists of denying access to Israel to the inhabitants of the Gaza Strip and the West Bank. Another type is the so-called "internal" closure, which prohibits the inhabitants of the West Bank from leaving the towns and villages in which they live. In 1996, the inhabitants of 465 Palestinian towns and villages in areas of the West Bank under Israeli control could not leave their places of residence as a result of the imposition of a complete internal closure of the West Bank. In 1997, even foreigners were prevented from leaving the Gaza Strip during a strict closure.

76. Another classification divides closures into three categories: all of the Gaza Strip is under a general closure at all times; strict closures when all permits are cancelled; and absolute closures, which are applicable even within the West Bank and the Gaza Strip when persons cannot return to their places of residence or are unable to leave them. The Special Committee was informed, however, that medical doctors were allowed to pass through checkpoints without an entry permit during internal closures of the West Bank, upon presentation of a card indicating that they were employed by a medical establishment. The inhabitants of the occupied territories saw the imposition of closures only as a pretext to impose hardships on Palestinian civilians, *inter alia*, by placing restrictions on their economic activities, including imports and exports, and restricting their freedom of movement.

77. Under article XXXI (8) of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in 1995,[10] the Gaza Strip and the West Bank constitute a single territorial unit. "Safe passages" should have been opened between those parts of the occupied territories for the movement of persons, vehicles and goods. The peace accords also provide for the opening of a sea port and an airport in Gaza, which has not taken place to date. Witnesses have stated that closures have generated anger, frustration, helplessness and loss of hope among the Palestinian population.

78. Although the peace accords stipulate that there should be freedom of movement for Palestinians within the Gaza Strip, it has remained divided into three main areas: northern, central and southern. During absolute closures, Gaza is completely isolated from Israel, the West Bank and Egypt. The internal closures between parts of the Gaza Strip result from the closing of main roads located near Israeli settlements. The so-called "yellow areas" in the vicinity of settlements are completely off limits to Palestinians.

79. Witnesses described the adverse economic effects in the West Bank of closures on farmers who were denied access to their fields for hours or days at a time.

80. The Special Committee was informed that there had been fewer closures of the occupied territories which could be described as "dramatic" but that, in general, the Palestinian population did not feel that any significant improvements had taken place. The Gaza Strip was described by witnesses as an open prison.

C. Manner of implementation of restrictions

81. The implementation of restrictions takes place in the following ways: delays and difficulties in granting authorizations; checkpoints; interrogation procedures; administrative detention and conditions of detention; imprisonment and conditions of imprisonment; the use of force; the proposed law absolving persons of liability to compensate; aspects of the administration of justice, including military courts; and the lack of access to legal representation and intelligence files.

82. The Special Committee was informed about the oppressive ways in which restrictions were implemented. One of the principal ways in which the Israeli authorities exercised control over the occupied territories was by restricting the right to freedom of movement of the Palestinian population. It did that through an intricate system of military orders, laws pertaining to various legal systems, rules and administrative policies and practices. The Committee was also informed that the situation had deteriorated since the signing of the Oslo Accords.

1. Delays and difficulties in granting authorizations

83. There are no written rules issued by the Israeli authorities that govern the granting to Palestinians of permits and authorizations to enter Israel. The delays and difficulties encountered in the past were often of an entirely arbitrary

nature, both with regard to the granting of permits and honouring them once they had been issued. Human rights organizations have on occasion intervened to obtain permits for emergency health cases.

84. The Israeli authorities have started to invoke the pretext of security in order to deny permits to medical staff from Gaza to work in the West Bank and in particular in East Jerusalem.

85. The delays and difficulties in obtaining authorizations to enter Israel or to move between different parts of the occupied territories affect in particular the families of Palestinian prisoners detained in Israel. The Special Committee was informed, however, that the contact of prisoners with their families had recently improved to a certain extent. The Committee was informed that it was easier for Gazans to obtain permits to enter Israel and the industrial zones than the West Bank.

86. The Special Committee inquired whether there had been any improvements in the situation. It was informed that there had been fewer deaths at checkpoints than before.

2. Checkpoints

87. One of the ways in which the Israeli authorities impose restrictions on the freedom of movement of Palestinians is by establishing numerous checkpoints throughout the occupied territories. The checkpoints are manned by Israeli soldiers and can be fixed or mobile. The Special Committee was informed that all of the main roads to Jerusalem as well as subsidiary roads were closed by military barriers and roadblocks at which searches, harassment and other forms of humiliation were a common occurrence. According to some witnesses, the soldiers manning the roadblocks were usually young and several had reportedly stated that they considered manning checkpoints as "entertainment" and "recreation".

88. In the Gaza Strip, checkpoints are mostly located in the vicinity of settlements as well as between towns and villages inhabited by Palestinians. The inhabitants of the Al Mawasi area near Khan Younis face particular difficulties in this respect since they are surrounded by land taken by Israeli settlements. School children and other persons sometimes have to wait several hours to pass through the checkpoints. The Special Committee was informed that two months ago a seriously ill person from the Gaza Strip had died at a border crossing into Israel.

89. Passing through checkpoints is particularly difficult for Palestinian workers from Gaza employed in Israel. As a result of the delays at checkpoints and in particular the border crossing from Gaza into Israel at Erez, most Palestinian workers are obliged to leave home at 2 a.m. in order to reach their places of work in Israel on time at 7 a.m. The workers are obliged to pass one by one through a narrow concrete tunnel with a metal roof about 1 kilometre in length. How fast the queues advance often depends on the mood of the soldier at the border crossing. It has been stated that this process can last several hours. According to a witness, if a Palestinian worker arrives late, he is sent home and doesn't receive his wages. Up to 25,000 workers are forced to walk every day through the narrow concrete tunnel, which has been described as a "cattle run". Persons wishing to pray at the Al-Aqsa Mosque in Jerusalem or families of Palestinian prisoners visiting them in Israel have to do the same.

90. A newborn baby died on 26 August 1998 because of delays at an Israeli Army roadblock near Hebron, in the West Bank. The mother gave birth in her car after soldiers at an Israeli military checkpoint forced her to take a longer route to a Hebron hospital. Three Palestinian workers with valid permits were killed by Israeli soldiers at a checkpoint near the city of Hebron on 10 March 1998.

3. Interrogation procedures

91. Guidelines concerning the interrogation procedures used by Israel's General Security Service in connection with security matters are contained in the partly confidential report of the Landau Commission which allows the use of "moderate physical pressure". These guidelines were deemed completely unacceptable by the Committee against Torture. Since October 1994, the General Security Service has been authorized by an interministerial committee to apply "special measures" relating to physical pressure to Palestinian detainees which are believed to amount to aggravated forms of torture.

92. Methods of interrogation used by the General Security Service include suspension by hands tied behind the back, hooding, sleep and food deprivation, position abuse, exposure to very loud music, very bright light and extremes of heat and cold, as well as violent shaking. Verbal threats against the detainee or their family are used as well. Violent shaking can cause permanent incapacitation or death through brain haemorrhaging but does not leave any visible traces on the body. It is estimated that some 1,000 to 1,500 Palestinians are interrogated by the Israeli intelligence every year and that 85 per cent of them are subjected to torture.

93. One former administrative detainee told the Special Committee that he had been questioned up to eight times a day over a period of 60 to 70 days. He had been deprived of sleep for 14 consecutive days. In addition, he had spent four

days on a small stool and had been suspended for three or four days, which he described as worse than beating.

94. The Committee against Torture deemed that such interrogation methods constituted breaches of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment which Israel had ratified in 1991. The Special Committee was informed that article 277 of the Israeli Criminal Law stipulated that no Government employee was allowed to use force to obtain information from a third party. Force was not defined in the Israeli Penal Code. The Committee was informed that the Supreme Court and the Attorney-General had not objected to the methods used by interrogators and that the Attorney-General had indicated that the reasons behind that were security and terrorism prevention.

95. In March 1998, the Israeli Parliament (the Knesset) adopted in its first reading the draft of the so-called General Service Law whose article 17 would absolve General Security Service interrogators of criminal responsibility in the discharge of their mission, even in the case of death.

96. The attention of the Special Committee has been drawn to a serious matter, namely the role of medical doctors with reference to the torture of Palestinian prisoners. A report of Amnesty International, entitled "Under constant medical supervision: Torture, Ill-Treatment and the Health Professions in Israel and the Occupied Territories" (MDE 15/37/96), dated August 1996, contains the following passages:

> "Amnesty International has received no evidence suggesting that any Israeli doctor or other health professional assists actively in torture or ill-treatment. But Israeli doctors and paramedics are silent witnesses, participating in a system which denies the physical and mental integrity of the human being which health professionals are bound to uphold. Amnesty International believes that health professionals have a vital role in documenting and exposing human rights violations and is calling on the Israeli Government and the Israeli Medical Association to ensure that torture and ill-treatment are stopped and that health professionals are not drawn into colluding in a system of torture and ill-treatment.
>
> "... Israeli health professionals working with the General Security Service (GSS) – the security branch most involved in the interrogation of Palestinian detainees – form part of a system in which detainees are tortured, ill-treated and humiliated in ways which place current prison medical practice in conflict with medical ethics."

97. Further testimony on the role of medical doctors with regard to the torture of Palestinian prisoners was given by an Israeli member of a non-governmental organization:

> "When we say participation of doctors in torture we mean three possible ways of participation. One is the actual torturing, and as far as we know it almost does not happen. The second is not reporting on patients who arrive and complain about torture, and unfortunately that is what happens in most cases. The doctor will not report that the person he saw was tortured – among other reasons because he does not know who to report to. And the third way, which I think is the most severe one, is when the doctor gives the interrogator medical information that will help him torture the prisoner."

98. The Special Committee was informed that the Israeli police had requested the non-governmental organization to assist them in the setting up of an ethics committee.

4. Administrative detention and conditions of detention

99. The Israeli authorities make extensive use of administrative detention, without charges or trial, of Palestinians suspected of being linked to security-related offences and matters. Administrative detainees are denied due process of law. The initial period of administrative detention is six months and may be renewed indefinitely by the competent military officer. The Special Committee was informed that although they are not charged and sentenced officially, administrative detainees are held in much the same conditions as regular prisoners. Some Palestinians have been held in administrative detention for several years. Witnesses testifying before the Special Committee emphasized the arbitrariness of administrative detention.

100. Orders for detention are reviewed by military courts and files are classified as confidential. This denies the detainee and his lawyer access to the information that constitutes the basis for detention contained in the file and deprives him of the chance to defend himself. The names of persons to be detained are provided by the intelligence officers. The file is therefore accessible only to intelligence officers who, in turn, can convince the judge. An additional complication is the lack of access of lawyers to their clients owing to the restrictions placed by the Israeli authorities on movement of Palestinians between and within parts of the occupied territories and regarding access to Israel.

101. The Special Committee was informed of the extremely long periods, sometimes several years, that Palestinians spent in administrative detention. From 1995 to 1997,

Palestinian administrative detainees boycotted the hearings at which their detention orders were reviewed because of the large rate of renewals. Thirteen Palestinians have spent more than five years in administrative detention. Files are kept confidential at the request of the General Security Service, whose advice often prevails over the decisions taken by the military judges. The Committee was informed that some of the military officers sitting as judges did not have a legal background and it had been stated that some were settlers with known extremist views.

102. The arbitrariness of judgements was emphasized. Persons placed in administrative detention were interrogated by the General Security Service. Prisoners were also placed in administrative detention after completion of their regular prison sentences. The rate of renewal of administrative detention orders was very high. Objections to that effect before military courts had yielded some positive results: a larger number of persons had been released after an agreement was reached on the non-renewal of administrative detention orders. Nevertheless, the security authorities still prevailed over legal authorities regarding detention orders. The military commander of the army could renew orders regarding administrative detention even if a judge decided otherwise.

103. Conditions of detention for administrative detainees were described as oppressive, including in physical terms, because of the intense heat and lack of ventilation of rooms. Food was of poor quality and detainees had to supplement it at their own expense. The Special Committee was informed that administrative detainees received even less medical care than sentenced prisoners. According to witnesses, the only medication provided were sedatives and pain killers and there were delays in administering medication. Given the nature of their detention, they were denied complicated dental or other treatment, which the witness described as a double punishment. Cardiac patients were not released even when they provided the court with medical files from Israeli prisons.

104. The Special Committee heard the testimony of a person who had spent more than four years in administrative detention. He was first questioned for a period of two months but did not confess to any of the charges. On the day he was slated to be released, it was announced that his administrative detention had been renewed for an additional six months. His detention was renewed 12 times because he was "politically active"; it was always renewed on the last day of the period served, which caused psychological suffering of the detainee.

5. Imprisonment and conditions of imprisonment

105. As has been noted in earlier reports of the Special Committee, all Palestinian prisoners were transferred from the occupied territories to Israel in 1995 after the withdrawal of Israeli troops from the principal cities inhabited by Palestinians in the West Bank. The Special Committee, hearing testimony in 1998, was informed that there were between 100 and 250 Palestinian administrative detainees and more than 2,000 regular prisoners, including five women, in Israeli prisons and detention centres.

106. According to Israeli military orders adopted by the commands of the various military zones, any Israeli officer or soldier can arrest any Palestinian in his area. After the redeployment of Israeli troops after the signing of the Oslo Accords, most arrests have taken place at border crossings or checkpoints within the Gaza Strip and the West Bank. The Special Committee was told that by virtue of military commands, no restrictions existed whatsoever that would prevent a person who had been arrested from immediately being referred to the intelligence service. Despite the peace accords, military orders remained in force in the occupied territories.

107. According to the Oslo Accords, certain categories of prisoners were to be released, such as those having been imprisoned for more than 10 years or having served two thirds of their sentence, women, persons under 16 years of age and very critical medical cases. A witness mentioned the case of a 75-year-old prisoner who had already spent 23 years in prison. A life sentence for Israelis is 23 years while for Palestinians it is 35 years.

108. According to a study conducted by the Gaza Community Mental Health Programme among former Palestinian political prisoners who were detained in Israeli prisons, the majority suffered from a wide variety of ailments such as depression, anxiety, post-traumatic stress disorder, schizophrenia, depressive psychosis and adjustment disorders, depending on the type of physical and/or psychological torture that they had been subjected to. At least 30 per cent of detainees suffered from post-traumatic stress disorder. In view of the economic conditions prevailing in the occupied territories, most former prisoners were unemployed, felt very frustrated and angry and saw no future for themselves. They were prone to outbursts of anger and domestic violence, such as attacks on and abuse of their wives and children; they also suffered themselves since they were unable to control such behaviour. Former prisoners also suffered from sleep disorders and other ailments.

109. A number of prisoners have reportedly admitted to having undergone a change of identity and personality as

well as behaviour towards their families before and after detention. Children of mothers who have been political prisoners develop attachment disorders as a reaction to their mothers as former detainees.

110. The conditions in which Palestinian prisoners are incarcerated in Israeli prison are characterized by overcrowding, bad quality and insufficient quantity of food, lack of ventilation, occasional physical abuse and lack of adequate medical care. For example, prisoner Youssef Al Raya died on 21 June 1998 in Ramleh Prison as a result of what is believed to be medical negligence. The conditions of detention have reportedly continued to deteriorate steadily.

111. The Special Committee's attention was drawn to the situation of mentally ill Palestinian prisoners who are diagnosed by Israeli psychiatrists as being sane and capable of standing trial, in contradiction of diagnoses established previously by Palestinian doctors. These persons are imprisoned in regular facilities. Since the jailers do not know how to deal with them, witnesses stated that mentally ill prisoners were often placed in solitary confinement, which aggravated their condition. The Committee was informed that one mentally ill prisoner had committed suicide in 1997 after the director of the prison decided to release him but the General Security Service had ordered that he remain in prison.

112. The Special Committee's attention was drawn by a witness to the policy of the Israeli prison authorities of keeping Palestinian prisoners in isolation. It was informed that more than 100 Palestinian prisoners were isolated two to a cell of 2 square metres that included a toilet and that their basic rights were not respected. They were not allowed to see their attorneys unless both their hands and their feet were bound. In addition, they were detained near Israeli criminal prisoners, drug addicts and persons suffering from diseases. Visitation rights were very limited and in addition to being isolated from the rest of the prison population, some prisoners had not received visits for up to six months. Israeli prisons had subterranean isolation sections that were one or two levels underground, which was dangerous from the standpoint of safety. There was no natural light or ventilation. Some persons in solitary confinement were taken out for one hour with shackles on their feet and hands. They were also shackled during family visits.

6. Question of the use of force

113. Clashes between Israeli troops and the inhabitants of the occupied territories were particularly violent during the intifada, which began in December 1987 and resulted in numerous deaths of and serious injuries sustained by Palestinians. The number of violent incidents involving Israeli troops and Palestinians decreased considerably when the withdrawals and redeployments of the Israeli army diminished opportunities for direct confrontations. Outbursts of violence recurred occasionally, often because of political and other developments.

114. The Special Committee was informed that the occupation forces and Israeli settlers continued to use excessive force against Palestinians despite the absence of threats to them that would justify such action. For example, the Committee was informed that a 14-year-old boy who was deaf and mute and therefore unable to hear warnings had been shot in the head by a settler in 1997 and had died 10 days later. Witnesses stated that all incidents involving settlements and settlers were condoned by the army and that the expansion of settlements and settlers' actions were supported and abetted by the occupation troops.

115. The Special Committee's attention was drawn to the deaths and injuries, including of children, occasioned by landmines, unexploded ordnance and other munitions that were not removed from areas populated by Palestinians after military training and manoeuvres of the Israeli army. Witnesses indicated that no warning signs were posted and that during manoeuvres bombs had been dropped close to schools. A 14-year-old shepherd had been killed on the spot in the Tubas area near Jenin in the West Bank. Witnesses stated that seven villages in the Tubas area, which comprised agricultural land, were particularly affected and that some manoeuvres had been carried out just before the harvest; persons whose land had been used for army training had not received compensation.

7. Proposed law absolving persons of liability to compensate

116. A law before the Israeli Parliament would deny compensation to Palestinian victims or surviving family members concerning injuries and deaths occurring during the intifada. The reason advanced by the Israeli authorities is that the injuries or deaths were caused by activities related to war, which widens the scope of what constitutes combatant activity. It also amounts to considering Palestinian civilians as combatants. For many Palestinians this compensation is the only way to pay for their medical treatment as a result of the injuries sustained.

117. A lawyer who testified before the Special Committee drew attention to the particularly sad situation of her client who had clearly been tortured but had not received treatment. A medical committee determined that he had a 70

per cent handicap of his left leg owing to electric shocks which required physiotherapy and prevented him from exercising his profession. Under the so-called Intifada Law, he was not eligible for compensation by Israel.

8. Aspects of the administration of justice

Military courts

118. Witnesses drew the attention of the Special Committee to the situation of persons detained in Israel without legal entry permits and who were subjected to summary trials before military courts with no qualified legal assistance. The situation was compounded by the fact that many prisoners were not aware of their rights. Since there was no lawyer to advise them, such persons often received heavy penalties for offences not requiring detention and paid large fines. Witnesses stated that there was no due process of law. Military courts were often composed of officers without legal background, some being settlers who were known by Palestinians to hold extremist views.

Representation by Palestinian lawyers

119. Palestinian lawyers are not eligible to represent Palestinian prisoners before Israeli courts because they are not members of the Israeli Bar. Arabs have to sit for nine tests in Hebrew before passing their bar exams. One witness viewed this as a deliberate obstacle placed before Palestinian lawyers. Not all prisoners can afford to pay the fees of an Israeli lawyer. Israeli lawyers are hired to defend them, often through human rights organizations. In addition to not being members of the Israel Bar Association, Palestinian lawyers are denied access to centres of detention and to their clients since they are often unable to obtain the necessary permits to enter Israel, in particular if they are from the Gaza Strip.

Intelligence files to which no access is possible

120. Administrative and other detainees and their legal counsel do not have access to files which they are informed are confidential. It is usually the General Security Service that decides that files should be confidential and they are usually the only ones informed. This deprives the detainee and their lawyers of the possibility to properly prepare their cases. The Special Committee was informed that in 1996 and 1997, Palestinian administrative detainees whose files were often confidential saw their cases renewed almost automatically several times without having the possibility to find out what the charges against them were.

D. Economic, social and cultural effects that such a general system of regulation and the manner of its enforcement has on the lives of the people of the occupied territories

1. Introduction

121. One of the principal causes of the serious economic and social situation in the occupied territories is the restrictions imposed by the Israeli authorities on the freedom of movement of the inhabitants from different parts. In addition to the economic burden this represents, the lack of communication between the Gaza Strip and the West Bank, which constitute a single territorial unit under the Oslo Accords, is giving rise to great expenditures by the Palestinian Authority. As to the manner in which such restrictions affect health care, the Special Committee was informed that mobile clinics, which were still insufficient in number, had been opened in a number of cities of the West Bank. The Committee was told by witnesses that there had been a dramatic decline in the number of patients from the occupied territories, especially Gaza, asking to go for treatment to Israel and even Egypt since it was too expensive for them.

122. Restrictions placed on the freedom of movement of Palestinians by the Israeli authorities, including closures, result in loss of income in the occupied territories. The poverty rate was 36 per cent in the Gaza Strip and 10.5 per cent in the West Bank.

123. Witnesses told the Special Committee that farmers were forced to sell their produce well below cost price.

2. Adults

124. The policy pursued by the Israeli authorities that limits the number of workers from the occupied territories who are allowed to work in Israel is seen as one of the principal factors for the bad economic situation in the occupied Palestinian territories, in particular in the Gaza Strip. This economic problem is further exacerbated by the fact that in order to obtain work, Palestinians are often obliged to go through a Palestinian middleman in order to reach an Israeli employer, both of whom ask for large sums for a permit, which usually lasts only three months. Part of the earnings are therefore directed towards the reimbursement of the middleman and businessman.

125. According to Palestinian sources, the rate of unemployment is 46 per cent in the West Bank.

126. Witnesses have stated that given that between 120,000 and 130,000 work permits were issued to Palestinians in 1993, if the population were to be taken into consideration, some 600,000 work permits should be issued for working in Israel every year. Former Palestinian prisoners who are unemployed were described by witnesses as being in a particularly precarious situation.

127. The Special Committee was informed that some 120,000 to 130,000 Palestinians had crossed from the West Bank and the Gaza Strip into Israel every day in 1993. Passage between all parts of the occupied territories and Israel was free. In 1997, approximately 25,000 permits were issued to Palestinians from Gaza who worked as day labourers in Israel. The Committee was informed, however, that only some 18,000 workers actually crossed into Israel from Gaza on any given day, either because their work permit was issued too late, they had a permit but no job or they were obliged to take care of others. Since it was estimated that 84 per cent of the workers in Gaza had lost their jobs, people were currently desperate.

128. The Special Committee was told by witnesses that employment opportunities in Gaza were currently nil and the economic situation was very bad. Israel was deemed directly responsible for the situation, which had led to serious social polarization between the rich and poor in the occupied Palestinian territories. The borders were closed and all goods coming in and out of the Strip had to transit through Israel. Perishable produce such as vegetables and flowers were particularly affected since they were allowed to wilt or spoil on the pretext of security checks and in view of the fact that Gaza still had no seaport or airport. Even repairs of instruments were hampered for lack of possibility to acquire spare parts or tools to repair them. Witnesses indicated that frustration in families was very high since some could not afford to send children to school because they were unable to afford clothes for them. Some inhabitants could not afford even the cheapest medical treatment. The Committee was alerted to the emergence of malnourishment of children in the Gaza Strip which was said never to have occurred before. Witnesses viewed allowing Palestinian workers from the occupied territories to work in Israel as a positive manner in which Israel could mitigate the serious economic and social situation. The economic situation was said to have a direct impact on the psychological well-being of the inhabitants of the occupied territories.

129. The Special Committee was also informed of the situation of the approximately 2,000 fishermen and 1,500 persons who worked in related support professions in Gaza, and who in turn had an estimated 19,000 to 20,000 dependants. Israeli authorities had unilaterally altered and reduced the area of 20 nautical miles off the shore agreed under the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip. Witnesses stated that land closures entailed automatic closures of the coast off Gaza. Fishermen had been subjected to arbitrary arrest, confiscation of their boats and their fish harvest and the tearing up and confiscation of their nets. Fishermen had also been shot at and their boats had been damaged. The Committee was told that most fishermen lived on loans. The Israeli navy had stormed the quay near Khan Younis where boats were berthed. In another incident, fishermen had been taken off their boats, severely beaten, dragged into the area belonging to Egypt and left there. The positive aspect was that the Israeli navy recognized that something had gone wrong.

130. A witness stated that many students from the Gaza Strip had had to abandon their studies at educational institutions in the West Bank such as Bir Zeit University as a result of not being given permits. When a list of Gazans studying at Bir Zeit was submitted to the Israeli authorities, the majority of applications was rejected. One student had visited his parents in Gaza and was unable to return.

131. In the context of the enjoyment of the right to education, one witness spoke about the case of two brothers who had been arrested while attending a funeral. The High Court of Justice had denied them access to a lawyer even after 45 days, which was illegal. One of the brothers had been among the best students in the West Bank but had not been allowed to sit for his final exams. He was now traumatized and depressed.

132. According to Palestinian sources, the rate of unemployment was 63 per cent in the Gaza Strip.

133. The Special Committee was informed by witnesses of the impact of settlements and settlers on Palestinian farmers whose products were now being sold at lower prices, and about the burning and cutting down of crops by Israelis. Witnesses spoke about olive trees that had dried up in one region of the West Bank. When samples were taken to a laboratory, it was discovered that exfoliant agents had been used on the olive trees.

134. The situation in Jerusalem was described as moving from a territorial to a religious dispute which was conducive to a consolidation of the Arab-Israeli conflict, with the Government providing the context through settlers.

135. The Special Committee was informed by witnesses about the situation regarding freedom of worship and religious sites in East Jerusalem, in particular the Al-Aqsa Mosque. The Israeli authorities had not allowed any repair work needed as a result of water damage to be carried out

and had refused to allow any building materials to be brought into the Mosque. The number of policemen and border guards deployed around the Mosque had been increased, restricting the access of worshippers on Fridays and often giving no access on ordinary days. A permanent barrier had been installed and identity cards were checked for morning prayers. The Committee was told about a group comprising mostly elderly people who were individually questioned for one-and-a-half hours in the Mosque yard, where the High Court had recently allowed a number of Jewish religious groups to hold prayer meetings. According to one witness, the Jerusalem municipal authorities had stopped repair work and had taken the decision to bring down a number of mosques in the city. The Committee was informed that a former minister, the late Moshe Dayan, had opened a museum in a mosque which he described as being an "old Jewish temple".

136. The Special Committee was told that Arabs and Jews were not treated on the same footing either morally or in religious terms and that Israel was creating conditions there that would be difficult to change. It was trying to mask and suppress the national identity of Palestinians in Jerusalem and to Judaize and de-Palestinize Jerusalem through education and a whole system of legal and administrative changes which were not always easily perceptible but created a structural imbalance. An example of an administrative attempt to create new territorial and demographic conditions was the decision taken in June 1998 to enlarge the boundaries of cities to encompass settlements and thereby increase the Jewish population. If it were to continue, the administrative expansion of Jerusalem would result in its constituting 10 per cent of the territory of the West Bank.

137. Over the past four or five years, many tribunals for Palestinians in Jerusalem have been closed and other different techniques of pressure have been used with a view to breaking down institutions and causing a gradual movement of the Arab population out of the city. In addition to land confiscation, the situation has been compounded by the demolition of Palestinian-owned houses or additions to houses said to be built without a licence. Witnesses informed the Special Committee that in addition to demolitions, 1,500 cases of seizure and confiscation for non-payment of taxes were filed in Jerusalem on a single day with the objective of confiscating shops and houses belonging to the Arab population, thereby forcing them to leave Jerusalem.

138. According to witnesses, the lack of trade, heavy taxation, the sealing of shops and the confiscation of goods on account of non-payment of taxes had led to a paralysis of the social and economic system of East Jerusalem, especially since Jerusalemites depended on persons from the West Bank as clients and customers. It was estimated that between 235 and 250 shops had been closed in the Old City. For example, 60 of the 150 tourist shops on Silsila Street had been closed. Witnesses described the *arnona* tax as renting your own house from the Israeli Government. It was applied to both shops and private residences and amounted to 270 new shekels per square metre. The municipal authorities of Jerusalem had admitted that 50 per cent of the Arab part of the city lacked proper sewerage while 50 per cent had faulty water ducts. According to an estimate, 120 kilometres of roads were needed in the Arab part of the city, on which only 5 per cent of the taxes collected in Jerusalem were spent.

3. Children

139. Three decades of Israeli occupation and the disastrous economic situation currently prevailing in the occupied Palestinian territories have seriously affected the situation of children. More than 50 per cent of the Palestinian population is under 15 years of age. According to the Convention on the Rights of the Child,[11] children have the right to health, education, expression and play. According to witnesses who testified before the Special Committee, most of those rights were currently threatened by Israeli practices. That was particularly valid for practices that restricted the Palestinians' right to the freedom of movement and seriously affect the children's right to health and education.

140. The Special Committee was told that the imprisonment of Palestinian children in Israeli prisons had both short and long-term effects: post-traumatic stress disorder, behavioural and emotional problems, anxiety, phobias, developmental and personality disorders, anti-social behaviour, aggression, depression, rebellion against any authority, including parents, and disobedience. Trauma placed in the unconscious also gave rise to psychotic disorders. The emotions felt by children during the intifada at times improved their self-esteem since they were fighting for their dignity.

141. During 1997 and the first half of 1998, 17 children were killed by the Israeli army and settlers. In addition, children have been injured by landmines and unexploded ordnance, tear gas, rubber-coated and live bullets and stabbing and they have been beaten by soldiers and settlers. Some 425 children were injured in 1997. Children between the ages of 14 and 16 years have been placed in administrative detention as political prisoners where they have been subjected to the same treatment as adult prisoners. All age groups in prison are confined together. Arabic and

mathematics are the only subjects taught in prison by Israeli Arab teachers who are not qualified to teach those subjects.

142. Soldiers and settlers have carried out 35 raids on schools, especially in the Hebron area.

143. In the Gaza Strip, 49 per cent of the inhabitants are below 18 years of age. Three decades of Israeli occupation and the years of the intifada have had serious repercussions on the physical and mental health of Palestinian children. Research conducted in Gaza from 1990 to 1998 has shown that up to 40 per cent of children from 6 to 12 years of age suffer from moderate to severe post-traumatic stress disorder, while up to 70 per cent suffer from mild post-traumatic stress disorder. According to teachers, behavioural problems of children have increased from 26 to 36 per cent. Among the reasons which engender post-traumatic stress disorders are: tear-gas inhalation, witnessing the beating or arrest of parents, prolonged detention of a parent, hearing the killing of parents or others and demolition of the family home. Some of the symptoms are: memory impairment and loss of concentration, which results in delayed and reduced learning capabilities and achievement, depression and regression, as well as traumatic play in the streets, which involves throwing stones at each other.

144. Approximately 21 per cent of Palestinian children in Gaza suffer from anxiety disorders resulting from the unemployment of parents and overcrowding in refugee camps. In addition, children who are beaten by parents will tend to be aggressive towards others. According to witnesses, trauma incubation will have long-term effects on Palestinian society and will be transferred from one generation to another. The Special Committee enquired whether any help was given by Israelis in connection with the above and was informed that both Israeli and other foreign psychologists had tried to visit Gaza many times but were prevented from doing so by the Israeli authorities. Palestinian psychologists were therefore compelled to meet with Israeli psychologists abroad.

145. The very serious economic situation in the Gaza Strip has given rise to a significant increase in the incidence of child labour. According to witnesses, child labour in the 12 to 16 year age group had gone from 22 to 44 per cent since 1995. Some of these children earned less than the equivalent of $30 a month. Only 11.6 per cent of child labourers in the cited age group attended school. More than 15 per cent of children in the Gaza Strip were underweight for their age while 25 per cent suffer from malnutrition. Half of the families in Gaza had to borrow money in order to buy food.

146. The Special Committee's attention was drawn to the effects on children living in the vicinity of settlements, especially in the Gaza Strip. Children had to wait, sometimes for long hours, at roadblocks or could simply be shot at wantonly by armed settlers.

147. The Special Committee was informed about the situation concerning education in East Jerusalem where there was a shortage of 344 classrooms in municipal schools. According to one witness, there was no place for a very large number of children in municipal schools where their enrolment has been refused, while private schools are too expensive.

E. General sense of hopelessness and despair

148. The lack of progress in the peace process and the lack of tangible benefits for the people of the occupied territories, including the nature of life under the restrictions of movement imposed by the Israeli authorities have given rise to a loss of faith in the peace process itself. Several witnesses told the Special Committee about the climate of hopelessness and despair currently prevailing in the occupied Palestinian territories, which derived mainly from the extremely serious economic situation. A number of witnesses said that the widespread feeling now was that: "Today is better than tomorrow". Hopelessness was also felt, particularly by former Palestinian political prisoners who were detained in Israel. Witnesses described the situation as being "very tight"; no one was sure when or if the situation would get better. The desperate situation was also reflected in Palestinian children. Witnesses told the Special Committee that the phenomenon of violence among children was rampant and was reflected in sleeping disorders and problems in school.

149. One witness told the Special Committee that Israeli violations had become more violent and sophisticated. The witness described Israeli practices in the occupied territories as more ferocious and imaginative. Another witness spoke of the general frustration, lack of trust in the peace process and a feeling of anger among Palestinians over the delay in the implementation of the peace agreements. He said that hopes and expectations had been eroded.

150. One witness believed that the reason Israel was striving to postpone the peace negotiations was to change the facts on the ground in Jerusalem. Another told the Special Committee that peace was the only way for Palestinians to get their rights and to keep good neighbourly relations with Israel.

V. Situation of human rights in the occupied Syrian Arab Golan

General introductory observations

151. The Golan was occupied by Israel in 1967 and annexed in 1981. This decision has not been recognized by the international community and in particular the United Nations. It has also not been accepted by the population of the Golan which has opposed Israeli moves to impose its law, jurisdiction and administration on the Golan and to give the Golanis Israeli identity cards. The Golan is important to Israel because of its strategic position with regard to the Syrian Arab Republic, its vast water resources and prime agricultural land. There are numerous settlements in the Golan, the largest one being Katzrin, which is being expanded as are a number of others, especially since the current Israeli Government took office in 1996.

152. The Special Committee was informed that some 20,000 Syrians currently lived in five villages under Israeli occupation, compared with some 110,000 or more who lived in some 244 towns and villages at the time of the occupation in 1967.

153. Witnesses described some Israeli practices in the Golan: the levying of heavy taxes on the inhabitants, including the apple harvest, breaking into houses and confiscating television sets, appliances and even cars if the members of the household did not pay taxes and denial of the right to dig wells or to collect rainwater for irrigation. Water was seized from and then sold to the inhabitants, land was confiscated and trees were uprooted. He stated that settlers in the Golan were given everything, from land to cultivate to as much water as they wanted. They could sell their crops anywhere and not have to pay taxes.

154. The Special Committee was informed about the fragmentation of families from the Golan as a result of the occupation of the Golan and the lack of possibility to obtain permits to visit family members residing in the Syrian Arab Republic. He spoke of his own family, of his mother, now dead, who had never seen her grandchildren in the Syrian Arab Republic and his 90-year-old father, who had been allowed to visit him for the first time in 1997. His brother's son, who was imprisoned, had not been allowed to attend his father's funeral. Families of prisoners were also subject to reprisals. In addition to other considerations, permits were denied to persons who had not paid taxes. Families communicated from hilltops using megaphones and on occasion deaths had occurred as a result of the emotions arising from the conversation.

155. The Special Committee was told about the attempts of the Israeli authorities to obliterate the identity of the Golanis as Syrians and to force them to accept Israeli identity. The population initially refused the annexation of the Golan in 1981 and staged a long strike. The area was surrounded by the Israeli army and food, including milk for children, was not allowed in. Medication was lacking and no access was given to the media. Golanis were issued an identity document of the laissez-passer type but refused to use it since they did not want to use papers issued by Israel.

156. The Special Committee was informed by a witness that Israel was falsifying local history and attributing a separate identity to the Golanis from that of the Syrian Arab Republic since most belong to the Druze sect of Islam, thereby trying to create sectarian differences. According to this witness, the Israeli authorities were telling the Druze that they were not Arabs and trying to recreate history for them. In addition to falsifying history and geography, the Syrian educational curriculum had been abolished and a special one imposed, which was for "Israeli Arabs". Certain subjects, chemistry and law, were described by the witness as forbidden. Scientific subjects lag five years behind those taught in Israeli schools.

157. The witness stated that Israel was destroying the vestiges of Arab history and culture in the region and had even completely removed a pre-existing village in the location of Neve Tif. In order to justify their presence in the Golan, Israelis were trying to find the remnants of old Jewish burial grounds as evidence of their earlier presence in the area but had only found Arab graves.

158. The Special Committee was informed that Israeli racial discrimination against the population of the Golan was reflected in the work opportunities open to them, which were mostly in unskilled trades such as farming, groundwork and construction. All skilled and highly technical jobs were given to Israelis. Settlers were allowed to carry arms while Arabs were not allowed to carry even penknives. He described the taxes as being very high, sometimes amounting to 50 per cent of income, and were levied on crops, land, water, houses and television sets. Before the occupation, Golani farmers used to have the highest standard of living in the Syrian Arab Republic, mainly based on their production of apples. At present, their revenue is insufficient to cover the taxes so all family members have to work, including in Israel. In addition, the population of the Golan is not allowed to dig wells or to collect rainwater.

159. Another witness from the Golan provided the Special Committee with additional information concerning Israeli attempts to naturalize the population of the Golan and to

obliterate their identity. He stated that Israel required Syrians to hold laissez-passers, a sort of passport, in an attempt to force them to accept a fait accompli that the Golan was not Syrian. Family visits had been prohibited for a number of years, even in case of death or serious illness. Only clergymen were allowed to visit. The witness had not been able to attend his sister's wedding and had to use a megaphone to communicate with his family in the Golan. He described the case of a woman who had died of a heart attack caused by emotional distress when speaking through a megaphone. Students from the Golan going to study in the Syrian Arab Republic were searched in a degrading and inhumane manner, which was described as deliberate.

160. A situation which greatly impressed the Special Committee during its visit to Quneitra province in the Syrian Arab Republic was to observe family members who had not met each other for 30 years communicating through megaphones. The Committee was able to observe the exchange from a hill in Quneitra opposite the village of Majdal Shams, which is located in the occupied Syrian Golan. The Committee is of the view that the United Nations ought to accord particular attention to see how their conditions can be alleviated. The witness drew the Committee's attention to an incident that had taken place in 1979 when he went to meet his mother, Mudallalah Qasem Shams, at a checkpoint on the border. At the instigation of the Israeli soldiers and as a condition for the meeting, a United Nations soldier had taken the film from his camera, which he had just used to take a picture of himself with his mother; it would have been the only one he had, since she died five years later.

VI. Communications received from Governments

161. The Special Committee was provided with extensive documentation by the Governments of Jordan and the Syrian Arab Republic, reflecting the views of those Governments on the situation in the occupied territories. In order to provide insight into what the reports contained, the Committee reproduces below the most salient paragraphs. The full documents are available for consultation.

Jordan

162. During its visit to Amman, the Special Committee received from the Department of Palestinian Affairs of the Ministry of Foreign Affairs of Jordan two reports, entitled "Projects and plans for the Judaization of Jerusalem during the period from 1 June 1997 to 30 May 1998" and "Developments in Jewish Settlement in the West Bank and Gaza Strip Between 1 June 1997 and 30 May 1998".

163. The first report cited above consists of two parts:

(a) Projects and plans for the Judaization of Jerusalem during the first half of 1998;

(b) Projects and plans for the Judaization of Jerusalem during the second half of 1997.

164. The projects and plans for the Judaization of Jerusalem during the first half of 1998 include:

(a) Jewish settlement activities in and around Jerusalem:

(i) Settlement within the Old City;

(ii) Ras al-Amud;

(iii) French Hill;

(iv) The Mount of Olives;

(v) Har Homa;

(vi) The "Eastern Gateway" project;

(b) Plans and projects for future settlement;

(c) Bypass roads;

(d) Israeli measures to Judaize the city of Jerusalem and displace its population:

(i) Withdrawal of identity cards from Arab residents of Jerusalem;

(ii) Prohibition of Arab construction and demolition of houses;

(iii) Closure of Arab institutions in Jerusalem;

(iv) Violation of the sanctity of Islamic holy places;

(v) Interference in educational affairs.

165. In the introduction, it is stated:

> "Jewish settlement in the city of Jerusalem, as well as Israel's attempts to Judaize the city and its acts of aggression against the holy places therein, were the principal factors that torpedoed, halted and totally paralysed the peace process, thereby entailing a high risk of rekindling the spark of violence.
>
> "Since February 1997, the Israeli Government's decision to establish a new settlement on Jabal Abu Ghneim at Jerusalem has led to a series of Palestinian-Israeli clashes, confrontations and other incidents that resulted in the total suspension of the Palestinian-Israeli negotiations.

"At the same time, the Israeli Government continued to implement its plans for the Judaization of Jerusalem and the intensification of Jewish settlement therein. The Government took every opportunity to affirm that Jerusalem would remain the 'united and eternal capital' of Israel in total disregard of all the international community's views, criticisms and appeals and the dozens of United Nations resolutions, the most recent of which was the resolution adopted by the General Assembly at its tenth emergency session in March 1997.

"The question of settlement in Jerusalem is one of the rare issues on which there is almost total agreement throughout the political spectrum of Israeli society. While the question of Jewish settlement in the West Bank and Gaza, and even the Israeli presence in the occupied territories, are controversial matters within Israeli society, there is no dispute concerning Jerusalem and the 'legitimacy' of its settlement from the Israeli standpoint. The fact that some Israeli political groupings are blaming the present Government for its rash implementation of its settlement plans in Jerusalem and for its failure to take the general political climate into account constitutes criticism only of the timing and not of the substance of those plans.

"This rare unanimity gives the Netanyahu Government a free hand to implement its settlement projects, as well as the plans and projects of previous Governments, concerning Jerusalem. The 'Greater Jerusalem' project, the implementation of which the Israeli Government recently decided to begin, is certainly not a plan prepared by Netanyahu or anyone in his present ministerial team; it is a long-standing plan that was first conceived in 1968 and was scheduled for completion by the year 2002. Since that time, all the Israeli Governments have coordinated and harmonized their settlement activities concerning Jerusalem in the light of that plan.

"The following study concerning Israeli plans to Judaize Jerusalem reviews all the measures that the Israeli Government approved or implemented to promote settlement in Jerusalem during the first half of 1998. It should be noted that these measures, like the 'Greater Jerusalem' project, are not new and anyone studying the question of settlement in Jerusalem can clearly monitor the systematic manner in which these measures and plans have been implemented.

"In addition to settlement activities, the study reviews other measures for the Judaization of Jerusalem which are directed against the city's Arab population with a view to harassing them, encouraging them to leave and imposing Israeli hegemony on the city's social and religious life. The study also monitors the repeated acts of Israeli aggression against Islamic and Christian Holy Places in the city."

166. The projects and plans for the Judaization of Jerusalem during the second half of 1997 include:

(a) Projects and plans for Jewish settlement in and around Jerusalem;

(b) Israeli measures to Judaize Jerusalem:

(i) Isolation of Jerusalem from surrounding areas;

(ii) Displacement of the population;

(iii) Demolition of houses;

(iv) Prohibition of Arab construction;

(v) Violation of the sanctity of Islamic Holy Places;

(vi) Tightening of Israeli control over Jerusalem.

167. In the introduction, it is stated:

"The policy of Judaization of the city of Jerusalem began on the very first day of the Israeli occupation of the city in 1967 and the successive Israeli Labour and Likud Governments have agreed on this policy and have formulated strategic and practical plans for its implementation.

"The Government of Benjamin Netanyahu is following the example set by its predecessors and is implementing new plans and projects or completing previous ones aimed at achieving full Jewish control over the Holy City.

"The Netanyahu Government has endeavoured to intensify settlement in the heart of the Arab city of Jerusalem and its suburbs, particularly those to the north-east, in such a way as to link those suburbs to the increasing settlement activities in the eastern areas with a view to creating a huge uninterrupted wall of Jewish settlements and preventing Palestinian construction and demographic development in the city. At the same time, Israel continued its efforts to put the Israeli concept of 'Greater Jerusalem' into practical effect by swallowing up about 15 per cent of the area of the Palestinian governorates in the West Bank.

"In addition to their colonial settlement activities, the Israeli authorities continued to

implement measures designed to impose their policies on the Holy City and vest it with a Jewish character by isolating the city from its Arab environment, closing its Arab institutions and encouraging its Arab population to leave by confiscating their identity cards, demolishing their houses, prohibiting further Arab construction in the city and carrying out repeated acts of aggression that violated the sanctity of the Islamic holy places."

168. The second report cited in paragraph 162 above covers two periods:

(a) Developments in Jewish settlement in the West Bank and Gaza Strip during the first half of 1998;

(b) Developments in Jewish settlement in the West Bank and Gaza Strip during the second half of 1997.

169. Both parts of the report cover the following topics:

(a) Settlement activities in the Palestinian territories:

(i) Land expropriation and encroachment;

(ii) The expansion and strengthening of settlement;

(iii) Measures and decisions intended to strengthen settlement;

(b) Bypass roads;

(c) Settlement plans.

170. In the introduction, it is stated:

"Scarcely had the right-wing Likud Party and the ruling right-wing coalition taken the reins of power in Israel than a fervent settlement campaign was set in motion, a campaign which all official agencies endeavoured to carry out in full cooperation with the settlement movements and Jewish settler groups in the occupied West Bank and Gaza Strip. Indeed, the decision to renege on the undertaking of the previous Labour Government to cease settlement activities was one of the first decisions taken by the new Israeli Government in fulfilment of its election manifesto and its pledges to the electorate.

"Today, two years after the Likud Party's ascension to power in Israel and the installation of its leader, Benjamin Netanyahu, as the elected head of the Israeli Government, settlement activities, accompanied as usual by the expropriation of Arab land, the demolition of Arab houses and attempts of various kinds to drive out the Arab population, are an almost daily practice through which the Israeli Government seeks to implement its plans of imposing a demographic and geographical fait accompli to its advantage in the occupied territories with a view to pre-empting any negotiations that may require it to carry out full or partial withdrawals.

"Anyone keeping track of settlement activities would notice that the objectives of Jewish settlement have altered over the past two years. Hence, whereas the Labour Government endeavoured to set priorities for strengthening settlement by dividing settlements into security and non-security settlements and focusing on geographical locations in which to strengthen settlement with a clear view to the planned withdrawals on the horizon, the pervasiveness and extent of settlement at the present time implies a single objective, namely a halt to withdrawal of any size from any part of the occupied territories.

"Recently reported by news agencies and greeted with consternation by Arab and international opinion, the Israeli Government measure of permitting Jewish settlers to form armed civil militias is simply another calculated move towards achieving the current settlement objective of preventing withdrawals. It also affirms to the Israeli public the substance of the peace equation adopted by Netanyahu, which renders peace synonymous with security, force and expansion in a bid to torpedo the concept of peace, adopted by the global community and agreed by the previous Israeli Government, whereby land is exchanged for peace and the security of all parties is sought by awarding each claimant its prerogative.

"The following study endeavours to monitor Israeli settlement activities in the occupied Palestinian territories during the first half of 1998 and traces the attempts of the Israeli Government to achieve its above-mentioned settlement objectives by expropriating land, strengthening settlements and increasing the number of settlers in them. It also reviews the Israeli plans for strengthening settlement, which emphasize the establishment of major residential, industrial, tourist and commercial complexes in existing settlements in order to pave the way for their conversion into settlement towns – as in the case of the settlement/town of Ma'aleh Adumim and also the settlement of Ariel, which was recently turned into a settlement town – a measure which lends enormous moral support to current and potential settlers and also affirms the 'permanence of settlements'."

171. In the introduction to the second part of the report, it is stated:

"In full disregard of the fact that Israeli settlement activities are illegal and comprise flagrant violations of international law, the Fourth Geneva Convention of 1949 and various resolutions of the Security Council, the General Assembly and other bodies of the United Nations, the Israeli Government obdurately pursued its fervent settlement campaigns at a time when the Middle East peace process is countenancing an increasingly grave outcome that is wholly inconsistent with the substance of peace and the agreements concluded between the Palestinian and Israeli sides.

"The recent period has been a continuation of the plans immediately formulated on Benjamin Netanyahu's assumption of power in Israel, as settlement activities continued with unimpeded vehemence and without reckoning, despite the direct impact which this had in the form of crises which virtually wrecked the entire peace process.

"During the Netanyahu era, there has been an escalation of the various settlement activities, which together constitute a systematic phased plan to gain control. The three main focal points of the plan are: to acquire control of the western sections of the West Bank along the Green Line; to consolidate the extension of the Gush Etzion group of settlements, which are directly linked with the so-called Greater Jerusalem plans, the intention being to surround the city and outskirts of Jerusalem; and to thwart the Palestinian ambitions to create a capital for the Palestinian State in the eastern area of Jerusalem.

"These Israeli schemes are clearly embodied in Benjamin Netanyahu's recent proposals for redeployment whereby Israel would concede only 6 to 8 per cent of West Bank territory, with Jerusalem remaining under full Israeli control."

Syrian Arab Republic

172. During its visit to Damascus, the Special Committee received from Klovis Khoury, Director of the International Organizations Department of the Ministry of Foreign Affairs of the Syrian Arab Republic the report entitled "Report by the Ministry of Foreign Affairs of the Syrian Arab Republic on Israeli Practices Affecting the Human Rights of Syrian Citizens in the Occupied Syrian Golan". While in the Syrian Arab Republic, the Committee also received a written communication from the Governor of Quneitra Province. The Special Committee's attention was drawn in particular to the following passages of the report presented by the Ministry of Foreign Affairs:

"Since the submission of our last report in June 1997,[12] the human rights situation of the population of the Syrian Arab Golan has steadily deteriorated due to the increasingly intransigent, arbitrary, and aggressive policies and practices adopted by the Israeli Government headed by Netanyahu, which is so racist, belligerent and expansionist that it never ceases to defiantly announce the continuation of its occupation of the Syrian Golan, the expansion of its settlements therein and the consequent expropriation of land and water resources in violation of the rights of the population of the occupied Syrian Golan.

"The Special Committee has submitted 29 reports acquainting the international community with the truly tragic situation in which Syrian citizens are living under Israeli occupation as a result of the policies and practices pursued by the Israeli occupation forces.

"Israeli settlement in the Golan

"Israeli settlement activities in the occupied Syrian Golan reflect Israel's overriding and permanent strategic aims based on the expropriation of land and water resources and the expulsion of the Arab population from their land in order to replace them with Jewish settlers, not to mention claims based on security and racist ideology.

"Following the Israeli aggression against the Syrian Arab Republic on 5 June 1967, occupation forces expelled 130,000 Arabs (now estimated at around 500,000) from 244 towns, villages and farms which were then destroyed. Only five villages in the northern Golan were spared because the early arrival of United Nations forces at these villages prevented the occupation forces from expelling their residents. Some 23,000 Syrian citizens currently living in these villages are suffering from a variety of repressive and arbitrary Israeli measures.

"In place of the destroyed villages, Israel has established, or is establishing, 40 settlements, many of which carry full or abbreviated names derived from the Torah, or names of alleged ancient Jewish settlements or Hebrew distortions of the names of some Arab locations, which reveal an attempt to vest the territory with Hebrew identity and the intention to continue occupying it.

"In the past year the expansion of settlements and the establishment of projects in the occupied Syrian Golan continued, again reflecting the aggressive intention of the present Israeli Government to perpetuate its occupation of the Syrian Golan. The Israeli information media now estimate the number of Jewish settlers in the Golan at 18,000 to 20,000.

"Seizure of land and water

"The Israeli occupation authorities have not only expropriated 96 per cent of the land in the Golan, destroyed 244 towns, villages and farms therein and confiscated its water, but are also currently blockading the remaining five Syrian villages and confiscating their land as happened in the case of the village of Sahita, land owned by the Kanj family from Majdal Shams located at Muweisa village and the seizure of land in the Tel Raihani and Buwaib areas near Majdal Shams under the pretext of military manoeuvres, in an attempt to limit the expansion of the five villages by refusing to expand the structural plan for construction, restricting construction permits and imposing exorbitant taxes.

"Taxation policy

"The Israeli authorities are pursuing a taxation policy that the Arab citizens of the Golan cannot possibly afford, as it requires income far in excess of their earnings. The taxes imposed on them include:

"1. Income tax.

"2. 'Kupat Holim' (sickness fund) tax, although the occupation authorities have not set up a single health centre in any of the Arab villages.

"3. Hospital and health centres tax.

"4. Value-added tax.

"5. National insurance tax.

"6. Local council tax.

"7. Property tax.

"8. Radio and television tax.

"These and other taxes constitute a flagrant pillage of the financial resources of Arab citizens because they are unrelated to the provision of any services and, consequently, the tax cannot be justified by the basic purpose for which it is imposed.

"Excessive taxes are a deliberate, persistent policy that burdens citizens and cuts into their income since it pervades all aspects of life and pursues them everywhere. They are forced to pay and any delay in payment leads to sequestration of their property and even their house furniture.

"There are dozens of types of taxes, some of which are double what is paid by Israelis, such as the television tax, which amounts to US$ 120 per year.

"Citizens are subjected to extortion and financial loss when the companies for which they work are declared bankrupt, whereby workers lose their rights and entitlements. Money is also extorted from workers from the Golan in the form of excessive taxes deducted from their wages.

"Hundreds of Syrian citizens in the occupied Syrian Golan have abandoned agricultural activity either because of the loss of their land, the lack of water or their inability to compete in domestic markets with settlement crops subsidized by the Israeli occupation authorities, or because of obstacles hampering the purchase of agricultural equipment and the export of their produce abroad. The new practices resorted to by the Israeli occupation authorities include the uprooting of 2,200 apple trees on 29 January 1998 and the removal of arable soil from the remaining five villages inhabited by Syrian citizens to Israeli settlements. The Israeli occupation authorities also seize cattle and restrict grazing land to areas in the vicinity of the villages in the occupied Syrian Golan. They also levy taxes on animals, thereby inducing Syrian citizens of the occupied Golan to sell their cattle, the source of their livelihood. The Israeli occupation authorities also sometimes confiscate cattle on the flimsiest of pretexts.

"Employment opportunities in government and public institutions are inaccessible to Syrian citizens because these institutions were originally intended exclusively for settlers. The Israeli occupation authorities have used the fact that the majority of Syrian citizens are unfamiliar with Hebrew, as well as security considerations, as pretexts for not employing these citizens in government and public institutions. Consequently, the number of those who hold government posts is very limited, such posts being restricted to some teachers in Arab schools and some staff in institutions dealing with Syrian citizens. Moreover, Israeli public security departments consistently withdraw work permits from Syrian citizens who refuse to collaborate with Israeli occupation authorities.

"Concerning Israeli practices, in his book entitled *Jewish History and Judaism*, Israel Shahak, the Chairman of the Human Rights Committee in Israel, says that racism against non-Jews in Israel manifests itself in three domains: the right of residence, the right to work and equality before the law.

"These practices have undoubtedly aggravated the critical economic situation prevailing in the occupied Syrian Golan because of the occupation and its practices, particularly in view of the fact that Syrian citizens under occupation are living below the poverty line, and the occupied Syrian Golan has been turned into a source of cheap labour, a tax source that enriches the Israeli treasury, and an open market for Israeli exports.

"The only field of work available to Syrian Arab workers in the occupied Golan and to workers in the West Bank and Gaza Strip is so-called black market employment, i.e., work requiring strenuous effort or restricted to marginal tasks such as garbage collection, construction and miscellaneous services. Workers hired by Israeli employers enjoy no job security whatsoever; they can be dismissed without the right to protest, they are paid no compensation, and many do not even receive their wages, despite repeated requests to that effect.

"The wages paid to Syrian Arab workers are totally different from those earned by Israeli workers, constituting less than half the wages of their Israeli counterparts for the same work. Syrian Arab workers are also liable to be searched and detained on their way to and from work.

"Some Israeli companies employing Syrian Arab and Palestinian workers from the occupied territories declare themselves bankrupt, as a result of which these workers lose their rights, their wages and their indemnities; the companies then change their names and locations and continue business as usual.

"Embezzlement of workers' wages and rights is an ongoing policy applied by Israeli employers, who neither pay on time nor pay the amounts agreed upon. They pay only part of the wages or cheat workers out of their earnings by issuing dud cheques or declaring bankruptcy. When employers deny workers their compensation, the latter resort to the judicial system, an extremely lengthy and costly process the outcome of which is rarely in favour of the workers involved. Consequently, most workers now refrain from resorting to the judiciary because the result is virtually a foregone conclusion, namely loss of the lawsuit.

"The systematic policy of fostering ignorance and distorting history and culture

"Israel is still pursuing its policy in the fields of education and culture, as a basic component of its overall policy towards Arabs, and particularly Arabs under its occupation, with a view to obliterating their identity and imposing full control over them.

"In the cultural and educational fields, Israeli policy in regard to students in the occupied Golan focuses on the following main aims:

- Fragmentation and division at the ethnic, social, religious and other levels.
- Systematic intellectual stultification by providing students with a meagre, superficial and shallow education unrelated to their history, heritage, culture, homeland and nation.
- Portrayal of Israel and the Jews in the best possible light, while denigrating the Arabs and their civilization.

"As a result of Israel's pursuit of this policy, the educational situation in the occupied Syrian Golan can be described as follows:

"**The school curriculum**. The first devastating blow that was struck at education immediately after the occupation in 1967 was the total abolition of the Syrian Arab curriculum at the schools in the villages of the occupied Golan and its replacement by the Israeli curriculum imposed on Palestinian Arab students in 1948. This change in the educational curriculum was an indicator of Israel's intention to annex the Golan and isolate its Syrian population from their Syrian motherland and their Arab nation, as illustrated by the following:

- The Hebrew language has been emphasized at the expense of the Arabic language and has been imposed as a basic subject in which students cannot afford to fail since it is the language in which scientific subjects such as mathematics and physics are taught.
- The Hebrew language studies focus on Israeli history, poetry and literature, Hebrew legends and the Zionist movement with a view to enhancing the Jewish image in the minds of students, justifying Israel's aggressive and expansionist policy and glorifying and

vindicating the occupation of Arab territory through aggression and armed force.

- The Arabic language is taught for a smaller number of hours than the Hebrew language.
- The study of Arabic literature has been voided of its Arab nationalist and patriotic content and is confined to formal descriptions which focus on periods of weakness in Arab literature in which emphasis is placed on love poetry, tribal feuds, vendettas and revenge. Myths and legends are emphasized and no mention is made of the giants of contemporary Arabic literature. The overall aim of this policy is to present a distorted image of Arabic literature.
- Arab history is distorted and all its golden ages are disregarded.
- Attempts have been made to weaken the sense of national identity of the population of the occupied Syrian Golan by dividing them into Druze and Arab ethnic groups, by encouraging intercommunal religious bigotry in order to drive a confessional wedge into the body of the nation, particularly in the Syrian Arab Republic and Lebanon, and by propagating fabricated stories that denigrate Islam.
- Historical and geographical facts concerning the occupied Syrian Golan have been distorted by Hebraizing the names of areas in the Golan in order to give the rising generation the false impression that the Golan is part of Israel.

"**Teaching staff**. The occupation authorities have staffed the schools in the Golan in such a way as to serve their own aims and objectives. Some 70 per cent of the teachers are Israeli or unqualified to teach and local teachers from the Golan have been dismissed. The 20 teachers who were dismissed at the beginning of the academic year 1997/98 were the latest in the long list of teachers who were dismissed during the period of the occupation.

"Teachers are employed under contracts that terminate at the end of the academic year in order to place them at the mercy of the occupation authorities who can renew or refuse to renew their contracts and who threaten them with dismissal if they take part in the celebration of national events. In accordance with the occupation authorities' policy of intellectual sabotage and stultification, teachers are prevented from teaching in their fields of specialization.

"**Schools**. The 12 schools that are operating in the remaining five Syrian villages of the occupied Syrian Golan consist of 6 primary schools, 3 preparatory schools, 2 secondary schools and a branch of an intermediate preparatory institute at Mas'ada.

"Owing to their overcrowded and unhygienic conditions, the schools are unfit for the purpose for which they are intended. The occupation authorities do not provide any noteworthy services in this field, in spite of the exorbitant fees that the students are required to pay. No specific official body has been declared responsible for the maintenance of these preparatory and secondary schools. This is a deliberate omission designed to preclude any possibility of their modernization and, consequently, the local residents have to contribute funds to cover the cost of any defects that can be remedied.

"**University education**. Syrian students in the occupied Syrian Golan are suffering from a lack of opportunities for university studies. Enrolment at Israeli universities is virtually impossible in view of their high fees and costs (not less than US$ 7,000–8,000 per student per year) and their strict conditions of admission, which Arab students are unable to meet. There are colleges of medicine, dentistry, veterinary medicine and pharmacology which admit only students holding Israeli nationality. Moreover, anyone who is admitted to the universities suffers from the general persecution to which Arab students are subjected in regard to treatment, accommodation in halls of residence, conditions for academic success and the possibility of detention while examinations are being held, etc.

"Since the Syrian Arab Republic permitted students from the Golan to enrol at its universities, the occupation authorities have been obstructing their travel by complicating the procedures for their passage through the crossing points, by threatening them with security files and, for the last two years, by preventing new students from attending those universities. Students are also subjected to degrading treatment at the Israeli checkpoints when travelling to and from the Golan during the summer holiday. The equivalence of their university degrees is recognized only reluctantly and after long delays and attempts to blackmail them. As a result, very few employment opportunities are available to them.

"The health situation of the Arab population of the villages of the occupied Golan

"The Arab population of the occupied territory of the Golan are suffering from harsh conditions owing to Israel's scant concern for their health situation and its obstruction of local initiatives to improve that situation. Pressure is applied in this regard with a view to inducing the Arabs to deal with Israeli institutions and to accept the annexation as a political fait accompli.

"The various aspects of the health situation, its problems and the requirements for their solution can be summarized as follows:

"(a) A shortage of all forms of first-aid treatment;

"(b) A shortage of medical specialists;

"(c) The need to establish a laboratory for medical analyses;

"(d) The urgent need for a gynaecological and maternity clinic;

"(e) The need for low-cost, if not free, medical treatment for the poor;

"(f) The lack of a hospital in the Golan (even for minor operations, citizens have to travel to Nazareth, Safad or Jerusalem);

"(g) The lack of an acceptable and effective health service;

"(h) The lack of a radiological centre;

"(i) The shortage of information on all health matters;

"(j) The need to establish specialized health centres in the existing Arab villages.

"Israel is also dumping radioactive and chemical waste and highly toxic insecticides in the waters of the Mediterranean and particularly in its territorial waters. In early June 1998, Greenpeace International condemned Israel for dumping waste in the sea and, in a statement dated 18 June 1998, informed the Mediterranean region that two dinghies carrying some of its activists had intercepted the Israeli ship *Ariel* while it was dumping toxic liquid industrial waste offshore near Haifa. According to the statement, that waste contained toxic heavy minerals such as cadmium, zinc and mercury.

"On 19 June 1998, Fuad Hamdan, the representative of Greenpeace International in Lebanon, stated that Israel had resumed its dumping of toxic and hazardous waste in the Mediterranean and that Rafael Eitan, the Minister for the Environment, had permitted a Haifa-based company to dump 60,000 tons of toxic waste in the Mediterranean up to the month of October of that year.

"Mines have been laid next to the agricultural fields and homes of the population of the occupied Syrian Golan, thereby endangering their lives. These mines have caused the deaths of dozens of Syrian citizens and many others have been maimed at a time when the Golan has no specialized institution for the rehabilitation of persons who have suffered physical and psychological harm due to those mines.

"Many of the archaeological sites are being devastated as a result of the military manoeuvres carried out by Israeli armed forces in the Golan. Incendiary shells and various types of explosives, as well as tank movements, have caused extensive damage to the stone reliefs and other archaeological relics that have survived in the territory for thousands of years.

"Israel has carried out excavations at dozens of sites, including: Khisfin, Fiq, Kanaf, Wadi al-Hariri, Rajm al-Habri, Tell al-Bazouk, Deir Qurouh, Khirbat al-Rafid, Al-Dakka, Al-Kursi, Baniyas, Adnaniya (Dharman) and Fakhoura."

173. The report concludes, *inter alia*:

"This overall review of the current Israeli Government's policies and practices in regard to the land and the population of the occupied Syrian Golan, which follow a consistent and systematic pattern and which have been intensified over the past year, shows Israel's insistence on perpetuating the occupation, expanding the settlements, seizing land and water, weakening all the infrastructures of the occupied Syrian Golan and repressing and persecuting its population."

174. As concerns the written communication submitted by the Governor of Quneitra Province, Walid al-Buz, the Special Committee's attention was drawn in particular to the following passages:

"The Israeli Government is persisting in its bigoted, obstinate and hostile attitude to the peace process and is continuing its inhuman practices against the Syrian Arab population of the five above-

mentioned villages with a view to forcing them to abandon their Syrian identity and their attachment to their motherland, the Syrian Arab Republic. To this end, the Israeli Government is using various means of repression as part of its 'iron fist' policy designed to prevent the population from contacting their families and relatives in the motherland, the Syrian Arab Republic.

"Throughout the years of the occupation, the policy of the occupation authorities in this field has been to obliterate the national identity of the Arab population and to ensure their ideological and educational isolation from their Syrian motherland and their Arab nation. To this end, the occupation authorities have pursued a systematic policy of intellectual stultification by replacing the Syrian Arab school syllabus with an Israeli syllabus and according priority to the teaching of Hebrew at the expense of the students' Arabic mother tongue. History and geography are distorted and it is prohibited to teach the subject of national education as required in the Syrian syllabus.

"In order to further these aims, competent local teachers from those villages are dismissed and replaced by new teachers who lack qualifications, experience and competence. There is also a severe lack of school buildings, a large proportion being rented in residential premises which do not meet the requirements for use as classrooms.

"University education is a matter of very great concern since it is virtually impossible for the Syrian Arab students living under occupation to enrol at Israeli universities in view of the stipulated conditions, which they cannot meet. In particular, they are required to hold Israeli citizenship and pay exorbitant fees amounting to $7,000 per student per year. Moreover, the detention campaigns that are launched from time to time have the effect of depriving students of one or more academic years.

"The lack of a hospital in the five occupied villages is preventing any improvement in the health situation of the Syrian Arab population, even though the occupation authorities impose a tax amounting to 10 per cent of the monthly income of every individual for the benefit of the Sickness Fund from which they derive no benefit owing to the obstacles that the authorities place in their way. Hence, the health situation remains below the requisite standard. The population of the five villages have established a private medical complex in the village of Majdal Shams in order to alleviate the deplorable health situation.

"The Israeli occupation forces and the settlers in the Golan are destroying the environment, removing many of the hills, changing the topography and making intensive use of large quantities of chemical substances and agricultural pesticides with a view to destroying the Golan's beautiful environment, threatening the existence and continued survival of the Syrian population on their land and preventing them from practising their normal agricultural and pastoral lives. This led to an environmental disaster, illustrated by water, soil and air pollution and the deaths of many wild animals and predatory birds in the first week of July 1998.

"The 'iron fist' policy, the confiscation of land, the denial of rights and all the other inhuman arbitrary practices in which the Israeli occupation authorities engage against the Syrian Arab population of the villages of the occupied Golan violate human rights and are incompatible with international law and covenants. They are detrimental to the population, to whom they cause severe harm and untold suffering.

"The ultimate solution to the problems brought about by the Israeli occupation and the tragedies that it entails for the population of the Golan living under Israeli occupation, who have been displaced and driven from their homes and their land by armed force and ongoing Israeli acts of aggression, can be found only in the cessation of the occupation and the return of the Golan to its Syrian motherland through international support for the Syrian Arab Republic's just cause and the achievement of a just and comprehensive peace based on the relevant United Nations resolutions, application of the principle of 'land for peace' and recognition of everyone's legitimate rights. This is what is being sought and hoped for by the population of the Golan, who are remaining steadfast on their national soil in the occupied Golan, categorically rejecting the Israeli occupation and taking every opportunity to declare their attachment to their Syrian Arab identity. This is the essence of the Syrian Arab Republic's policy, which the country is diligently and sincerely pursuing under the leadership of President Hafez al-Asad, who has always affirmed that 'We in the Syrian Arab Republic and in the Arab World are determined to achieve peace, since peace relieves the injustice suffered by those who have been wronged, remedies

the plight of those who have been displaced, puts an end to killing and devastation and allows broad scope for human advancement and development'."

VII. Conclusions and recommendations

175. The Special Committee arrives at the following conclusions and makes the following recommendations.

A. Conclusions

176. The Israeli authorities have put in place a comprehensive and elaborate system of laws and regulations and administrative measures that affect all aspects of the lives of the Palestinian and Syrian peoples in the occupied territories. The laws and regulations are so framed that they vest in officials a considerable degree of authority and latitude over the lives of the people of the occupied territories.

177. These laws and regulations are designed to meet the policy objectives of the Israeli Government and to enhance the exercise of its control over the occupied territories and their population.

178. There exists an all-encompassing sense of great tension in the occupied territories, in particular during periods of crisis, and the rigorous implementation of laws and regulations and administrative measures creates a sense of fear and despondency among the inhabitants of the occupied territories.

179. Moreover, during periods of violence such exercise of control makes the lives of the Palestinian and Syrian peoples in the occupied territories even more unbearable.

180. Bitterness at their treatment by the authorities and the sense of dispossession, hopelessness and despair of the people of the occupied territories caused to a large extent, it seems to the Special Committee, by lack of progress in the peace process and a lack of tangible benefits for the people of the occupied territories, make the situation in the occupied territories one of the greatest urgency.

181. The Special Committee thus welcomes the recent resumption of dialogue in the peace process.

182. The Special Committee considers it extremely important that the General Assembly and other relevant United Nations bodies, as well as the Secretary-General, continue to give their urgent attention to the occupied territories, and take such concrete steps as are possible to ameliorate, in very practical ways, the conditions under which the Palestinian and Syrian peoples of the occupied territories have for so long lived.

B. Recommendations

183. The Special Committee reaffirms the recommendations made in its reports in past years and in particular the recommendations set out in chapter VI of its previous report (A/52/131/Add. 2), the text of which is set out in item 1 of the annex to the present report to facilitate reference.

184. The Special Committee also recommends that the United Nations High Commissioner for Human Rights, in communication with the Secretary-General, take such measures as are appropriate to engage in consultation with the appropriate Israeli authorities with respect to the following:

(a) Permitting long-separated families in the occupied Palestinian territories and in the Syrian Golan to meet freely and often;

(b) The entire process of detention, including reasons for detention, renewal of periods of detention and treatment of detainees;

(c) The use of physical force and torture during interrogations, detention and imprisonment;

(d) The effect of the occupation, including settlements, closures and restriction on movement, on the children of the occupied territories;

(e) Facilitating access to educational centres;

(f) Ameliorating the conditions under which Palestinians in Gaza travel from Gaza into Israel through the Erez border crossing.

185. The Special Committee considers it especially important that the United Nations High Commissioner for Human Rights, in consultation with the Secretary-General, establish a system of continuous communication with the Israeli authorities with a view to improving the very difficult circumstances in which the Palestinian and Syrian peoples of the occupied territories currently live.

Notes

[1] The General Assembly, in its resolution 44/48 A of 8 December 1989, decided to change the name of the Special Committee to Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

[2] United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

[3] Ibid., No. 972, p. 135.

[4] Ibid., vol. 249, No. 3511, p. 215.

[5] Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907*, New York, Oxford University Press, 1915.

[6] E/CN.4/1998/17.

[7] The Declaration of Principles on Interim Self-Government Arrangements signed on 13 September 1993; see also the Agreement on the Gaza Strip and the Jericho Area signed on 4 May 1994; and the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip signed on 28 September 1995.

[8] The term bypass roads is used to denote roads that connect settlements without passing through areas populated by Palestinians and constructed to serve, as claimed by the authorities, the security of the settlements.

[9] One dunum is 1,000 square metres or one quarter of an acre.

[10] See A/51/889–S/1997/357, annex.

[11] Resolution 44/25, annex.

[12] See A/52/131/Add.2, para. 542.

Annex

Documents and other material before the Special Committee

1. Recommendations of the Special Committee in its twenty-ninth report (A/52/131/Add.2, chap. VI), which read as follows:

"641. The Special Committee expects that its findings will be taken into account when concrete measures are drawn up in order to revive the peace process in the region. In the meantime, it wishes to recommend once more the implementation of measures that would safeguard the basic human rights of the Palestinian people and other Arabs in the occupied territories. The Special Committee reiterates that such measures should include the following:

"(a) The full application by Israel of the relevant provisions of the Fourth Geneva Convention, which remains the main international instrument in humanitarian law that applies to the occupied territories, and whose applicability to those territories has repeatedly been reaffirmed by the Security Council, the General Assembly and other relevant organs of the United Nations;

"(b) Full compliance with all resolutions pertinent to the question of the occupied territories as adopted by the Security Council, the General Assembly, the Economic and Social Council, the Commission on Human Rights, as well as other relevant resolutions adopted by UNESCO, WHO and ILO;

"(c) The full cooperation of the Israeli authorities with UNRWA representatives and full respect by the Israeli authorities of the privileges and immunities that the Agency enjoys as an international body providing humanitarian services to Palestinian refugees in the occupied territories;

"(d) The full cooperation of the Israeli authorities with ICRC in order to protect detained persons, in particular by ensuring full access of representatives of the Committee to such persons;

"(e) The full support, by Member States, of the activities of UNRWA and ICRC in the occupied territories in order to enable both organizations to maintain and improve the assistance provided to the refugee population and to detained persons;

"(f) The full cooperation of the Israeli authorities with the United Nations Special Coordinator in the Occupied Territories;

"(g) Renewed efforts by Member States to convince Israel of the need for increased human rights protection through international monitoring of human rights. This should include enabling the Special Committee, as the main body established by the General Assembly for the protection of human rights in the occupied territories, to perform its functions more effectively by allowing it to have access to the occupied territories;

"(h) Full cooperation by Israel with the Office of the United Nations High Commissioner for Human Rights as regards the implementation of human rights advisory assistance programmes in the areas falling under the Interim Self-Government Arrangements;

"(i) The Special Committee would like to appeal to Israel to act in conformity with the spirit animating the peace process by giving effect to the following concrete measures:

"(i) Recognize that present policy regarding settlements in the occupied territories represents the most formidable obstacle to peace and security in the region and, accordingly, halt the establishment of new settlements and the expansion of existing ones and put an end to the ongoing policy of land confiscation and the building of bypass roads; and stop exerting pressure on Arabs in East Jerusalem to sell their houses to members of the Jewish community;

"(ii) Refrain from the destruction of property such as the demolition of houses and the uprooting of trees, as well as discriminatory measures concerning the use of water resources;

"(iii) In view of the fact that the forced eviction of Palestinians in the occupied territories is a grave problem, we would recommend the adoption of paragraphs 1 to 4 of Commission on Human Rights resolution 1993/77, which we quote verbatim for convenience:

'*The Commission on Human Rights*

'...

'1. *Affirms* that the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing;

'2. *Urges* Governments to undertake immediate measures, at all levels, aimed at eliminating the practice of forced eviction;

'3. *Also urges* Governments to confer legal security of tenure on all persons currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

'4. *Recommends* that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes and needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups';

"(iv) Put an end to the imposition of closures and curfews for indefensible reasons and merely as measures of collective punishment that have a disastrous effect on the economic and social situation of the population of the occupied territories and hinder the enjoyment of a number of fundamental rights and freedoms such as those of movement, education, religion and expression;

"(v) Put an immediate end to interrogation practices amounting to torture and ill-treatment; rapidly and thoroughly investigate the persons identified as responsible for such practices by independent judicial bodies and prosecute them; and review and publish in full the guidelines concerning interrogation procedures so that they are transparent and in keeping with international human rights standards Israel has acceded to;

"(vi) Review the situation of all Palestinian and other Arab prisoners, especially political detainees or persons having committed non-violent crimes, and expedite their release; and refrain from detaining residents of the occupied territories within Israel and improve conditions of detention in conformity with the Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders on 30 August 1955 and approved by the Economic and Social Council in its resolutions 663 (XXIV) C of 31 July 1957 and 2076 (LXII) of 13 May 1977;

"(vii) With regard to better protection of the right to life and physical integrity, establish rules of engagement for its security forces that are clear and fully respect human rights standards, and apply open-fire regulations strictly in conformity with the principles of necessity and proportionality; exercise utmost restraint in responding to outbreaks of violence and fully investigate all incidents of shooting; and put an immediate end to the activities of undercover units and, in particular, to extrajudicial and summary executions perpetrated by such units;

"(viii) Exercise strict control over any abuses perpetrated by settlers, in particular with regard to their use of arms, and review the policy of arming settlers; prevent acts of violence by settlers and intervene if they are taking place; and carry out full and impartial investigations of acts of violence perpetrated by settlers and bring to justice those who are responsible;

"(ix) Enforce the law equitably by ensuring all legal safeguards provided for in universally recognized human rights standards for the Arab population of the occupied territories and the prompt, thorough and impartial administration of justice, with penalties for both Israelis and Arabs commensurate with the gravity of offences committed;

"(x) Allow all persons who were deported or expelled from the occupied territories to return and, where applicable, have their properties restituted.

"642. The Special Committee believes that the implementation of these recommendations would contribute immensely to the strengthening of the peace process, enabling all the people of the occupied territories and in the region to live in harmony, dignity, peace and security.

2. Monthly summaries of news relative to its mandate appearing in the Israeli press (*Ha'aretz*, and *The Jerusalem Post*), for July-September 1998.

3. Monthly summaries of news relative to its mandate appearing in the Arab press published in the occupied territories (*The Jerusalem Times*), for July-September 1998.

4. Records of testimony received from 30 witnesses during its field mission to Egypt, Jordan and the Syrian Arab Republic.

5. Written documents submitted to the Special Committee by:

(a) Jordan:

(i) Projects and plans for the Judaization of Jerusalem during the period from 1 June 1997 to 30 May 1998;

(ii) Developments in Jewish settlement in the West Bank and the Gaza Strip between 1 June 1997 and 30 May 1998;

(b) Syrian Arab Republic:

(i) Report by the Ministry of Foreign Affairs;

(ii) Report by the governorate of Quneitra on Israeli violations of human rights in the occupied Syrian Arab Golan in 1998;

(iii) The Golan;

(c) The League of Arab States:

- Points raised by the secretariat of the League of Arab States within the framework of its dialogue with the Special Committee.

6. Written documents submitted to the Special Committee by witnesses, including video material and photographs:

(a) Gaza Community Mental Health Programme:

(i) "Relationships between traumatic events, children's gender, and political activity, and perceptions of parenting styles";

(ii) "The relations between traumatic experiences, activity, and cognitive and emotional responses among Palestinian children";

(iii) "Experiences of torture and ill-treatment and posttraumatic stress disorder symptoms among Palestinian political prisoners";

(iv) "Gaza Community Mental Health Programme, 1996-1997";

(v) "Level of anxiety in Gaza before and after the intifada";

(vi) "Models of traumatic experiences and children's psychological adjustment: the roles of perceived parenting and the children's own resources and activity";

(vii) "Torture and mental health: the experience of Palestinians in Israeli prisons";

(viii) "Peace and the children of the stone";

(ix) "Palestinian children under curfew";

(x) "Prison experiences and coping styles among Palestinian men";

(xi) "House demolition and mental health: victims and witnesses";

(xii) "Social adversities and anxiety disorders in the Gaza Strip";

(xiii) A number of case studies;

(b) The Save the Children Fund: written introduction of testimony;

(c) Palestinian Centre for Human Rights (PCHR):

(i) Press release, 13 January 1998: "The Israeli High Court legalizes torture";

(ii) Press release, 25 January 1998: "The Israeli occupation forces bulldoze Palestinian land in Khan Younis and open fire on Palestinians";

(iii) Press release, 14 May 1998: "Fiftieth Year of 'al-Naqba'";

(iv) Press release, 16 May 1998: "Update on the Israeli use of deadly violence in response to peaceful Palestinian demonstrations commemorating the fiftieth anniversary of al-Naqba";

(v) Press release, 21 May 1998: "Although it came late and partial, the PCHR welcomes the recommendation of the European Commission to ban the import of settlement products to EU countries";

(vi) Press release, 4 June 1998: "PCHR urges the Swiss Government to implement honestly United Nations authorization regarding the Conference of the High Contracting Parties to the Fourth Geneva Convention of 1949";

(vii) Press release , 10 June 1998: "Israeli soldiers killed a Palestinian Civilian in the Gaza Strip";

(viii) Press release, 22 June 1998: "Palestinian prisoner dies in Ramli Prison Hospital";

(ix) Press release, 24 June 1998: "The Palestinian Centre for Human Rights convened a meeting to discuss the United Nations request for a conference of the High Contracting Parties to the Fourth Geneva Convention as it applies to the Palestinian territories";

(x) Press release, July 1998: "Submission of the Palestinian Centre for Human Rights to the United Nations Human Rights Committee (July 1998)";

(xi) Press release , 15 July 1998: "Palestinian Centre for Human Rights demands the immediate release of ailing prisoner, Jamal Al-Khamisi";

(xii) Press release, 19 July 1998: "The Palestinian Centre for Human Rights presents report to the United Nations Human Rights Committee in Geneva";

(d) Physicians for Human Rights:

(i) Annual report, 1996;

(ii) East Jerusalem Palestinians: the quiet deportation and health care rights;

(iii) Closures and health: freedom of movement for Palestinian medical professionals;

(iv) Prisoners and detainees;

(e) The Democracy and Workers' Rights Centre:

(i) Acts of aggression by settlers (A/AC/145/R.606/Add.9);

(ii) Order No. 1455 concerning security orders (Amendment No. 80);

(iii) Order concerning security instructions (Judean and Samaria) (No. 378) 5760-1970, Announcement of area closure (area B and area C);

(f) The Palestinian Agricultural Relief Committees:

(i) Campaign to save the homes of Palestine, compiled for the LAW Conference, Fifty Years of Human Rights Violations, 7 June 1998;

(ii) Report No. 234/2, International Federation of Human Rights Leagues, March 1997;

(iii) Survey of Israeli settlements in the West Bank and the Gaza Strip, integrated geographical information system base project No. 1;

(iv) "Shelter is a human right", Palestinian families facing demolition of their homes: a campaign of adoption;

(v) The Shelta Land Case and the methods used for its expropriation, June 1998;

(vi) House demolition and the control of Jerusalem, case study of al Issawiya village, June 1995;

(vii) House demolitions since 30 July 1997;

(viii) List of the Israeli notifications for demolishing and stopping the building of Palestinian houses in Nablus district, Tubas region, Qalqilia district, Jerusalem district, Salfit region, Rammallah district, Jenein district, Jericho and outskirts district, Bethlehem district, and Hebron district;

(ix) Highlighting the dark side of the "peace process";

(x) Israeli/Palestinian protest tent against house demolitions moves to Jerusalem;

(xi) Israel's "quiet war" on the Palestinians: the campaign of house demolitions, 9 and 14 July 1998;

(xii) The second stop of the protest tent against house demolition;

(xiii) The bedouin – an endangered people;

(xiv) Bethlehem – a stangled town;

(xv) Jerusalem – a city under siege;

(g) Defence for Children International, Palestine Section, West Bank Legal Aid Programme;

(h) Mandela Institute for Political Prisoners: testimony of the Mandela Institute on the welfare of detainees before the Special Committee, 26 – 28 July 1998;

(i) The Palestinian Association for the Protection of Human Rights and the Environment (Al-Qanun): Urgent petition;

(j) Centre for the defence of freedoms: "Palestinian victims of the Israeli occupation: the death toll from January to June 1998";

(k) Democracy and Workers' Rights Centre:

(i) Video tape and photographs;

(ii) Report issued in August 1997 on the effect of Israeli closure on Palestinian workers since 30 July 1997, Ramallah, the West Bank;

(iii) Violations of the rights of Palestinians working in Israel;

(iv) Violations committed by Israeli occupation forces against fishermen on the coast at Gaza;

(v) Further acts of maritime piracy by Israel;

(vi) Acts of aggression by settlers.

7. Material from various United Nations agencies and non-governmental organizations:

(a) Office of the United Nations High Commissioner for Refugees (UNHCR):

(i) Executive Committee of the High Commissioner's Programme: update on regional development in Central Asia, South-west Asia, North Africa and the Middle East;

(ii) Country profiles;

(iii) Palestinian Refugees (Inter/Office Memorandum No. 76/91 – UNHCR/FOM/79/91, Field Office Memorandum No. 79/91;

(iv) Palestinian refugees, holders of Lebanese Travel Documents (Field Office Memorandum No. 64/83 – UNHCR/FON/64/83);

(b) Human Rights Committee:

(i) Consideration of reports submitted by States parties under article 40 of the Covenant (CCPR/C/79/Add. 93);

(ii) Initial report of States parties due in 1993: Israel (CCPR/C/81/Add.13);

(c) Committee against Torture:

(i) Second periodic reports of States parties due in 1996: Israel (CAT/C/33/Add.2/Rev.1 and CAT/C/33/Add.3);

(ii) Draft conclusions and recommendations of the Committee: Israel, 18 May 1998;

(d) Special Rapporteur on Torture:

(i) Report of the Special Rapporteur: submitted to the Commission on Human Rights: summary of cases transmitted and replies received (E/CN.4/1998/38 and Add.1);

(ii) The 1998 allegation letter addressed to the Government of Israel: urgent appeals sent by the Special Rapporteur since January 1998 to date;

(e) Committee on the Elimination of Racial Discrimination:

(i) Decision 1 (51) on Israel adopted by the Committee at its fifty-first session *(Official Records of the General Assembly, Fifty-second Session, Supplement No. 18* (A/52/18), para. 19;

(ii) Working group on arbitrary detention: opinions concerning Israel adopted on 15 May 1998;

(f) International Labour Organization (ILO):

(i) Report of the Director-General to the International Labour Conference at its eighty-sixth session, 1998, appendix;

(ii) Report of the Director-General to the International Labour Conference at its eighty-sixth session, 1998, annex.

(g) International Committee of the Red Cross (ICRC):

(i) Extracts from the ICRC annual report for 1997 (introduction of the chapter on the Middle East and North Africa, the sub-chapter on Israel, the occupied territories and the autonomous territories, the sub-chapter on Lebanon, and the sub-chapter on the Syrian Arab Republic);

(ii) Declaration by ICRC on the occasion of the General Assembly meeting of 13 November 1997;

(h) United Nations Children's Fund (UNICEF):

(i) Annual report, 1996;

(ii) Annual report, 1997;

(iii) Master plan of operations, 1998–2000: programme of cooperation for Palestinian children and women in the West Bank and Gaza;

(iv) Child labour in the West Bank and the Gaza Strip;

(v) Palestinian children and women in the West Bank and Gaza Strip;

(vi) Putting children first (published to mark the occasion of the fiftieth anniversary of UNICEF, 11 December 1996, and the third annual Palestinian Child's Day, 5 April 1997;

(vii) Legislation relating to Palestinian children;

(i) Amnesty International: Five years after the Oslo Agreement: human rights sacrificed for "security" (MDE 02/04/98);

(j) United States Department of State: Israel and the occupied territories report on human rights practices for 1997, released by the Bureau of Democracy, Human Rights, and Labour on 30 January 1998;

(k) Democracy and Workers' Rights Centre in Palestine: annual report, 1997.